

AMENDED IN SENATE JUNE 13, 2016

AMENDED IN ASSEMBLY APRIL 14, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1615

Introduced by Committee on Budget (Assembly Members Ting (Chair), Travis Allen, Bigelow, Bloom, Bonta, Campos, Chávez, Chiu, Cooper, Gordon, Grove, Harper, Holden, Irwin, Kim, Lackey, McCarty, Melendez, Mullin, Nazarian, Obernolte, O'Donnell, Patterson, Rodriguez, Thurmond, Wilk, and Williams)

January 7, 2016

An act relating to the Budget Act of 2016. An act to amend, repeal, and add Section 231 of the Code of Civil Procedure, to amend Sections 7522.57, 11555, 11556, 12838, 12838.4, 68502.5, and 68651 of, and to amend and repeal Sections 68085.1 and 70626 of, the Government Code, to amend Sections 320.6, 2910, 2915, 5075, 5075.1, 5075.6, 5076.1, 6025.1, 6250.2, 6258.1, 6402, 11191, 13501, 13601, 23690, and 28300 of, to add Sections 2694.5, 5027, and 6404 to, to add Chapter 2.92 (commencing with Section 1001.85) to Title 6 of Part 2 of, and to repeal Section 5032 of, the Penal Code, and to amend Sections 1716, 1719, 1720, 1723, 1725, 1766, 1767.3, and 7200.06 of, to amend the heading of Article 2.5 (commencing with Section 1716) of Chapter 1 of Division 2.5 of, and to add Sections 1718, 1721, 1722, 1724, 1728, and 5848.51 to, the Welfare and Institutions Code, relating to public safety, and making an appropriation therefor, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

AB 1615, as amended, Committee on Budget. ~~Budget Act of 2016.~~
Public safety.

(1) Existing law, the Trial Jury Selection and Management Act, generally governs the selection of juries in criminal and civil cases. Under existing law, a criminal defendant is generally entitled to exercise 10 peremptory challenges during the jury selection process. When 2 or more defendants are jointly tried, existing law requires these challenges to be exercised jointly, but grants each defendant an additional 5 challenges to be exercised separately. If the offense for which a defendant is being tried is punishable by a maximum term of imprisonment of 90 days or less, existing law entitles the defendant to 6 peremptory challenges and grants each jointly tried defendant 4 additional challenges to be exercised separately.

This bill would instead, until January 1, 2021, grant a defendant 6 peremptory challenges in a criminal case if the offense charged is punishable with a maximum term of imprisonment of one year or less, and would reduce the number of peremptory challenges that may be exercised separately by a defendant who is jointly tried from 4 to 2 in cases in which the maximum term of imprisonment is one year or less. The bill would require the Judicial Council to conduct a study and, on or before January 1, 2020, submit a report to the Legislature on that reduction in the number of peremptory challenges, as specified.

(2) Existing law establishes the Department of Corrections and Rehabilitation, which consists of, among other divisions, the Board of Parole Hearings. The Board of Parole Hearings is comprised of 17 commissioners, appointed by the Governor, subject to confirmation by the Senate, for 3-year terms. Of those 17 commissioners, existing law requires 5 to be appointed and trained to hear only juvenile matters. Within 60 days of appointment and annually thereafter, existing law requires the commissioners and deputy commissioners to undergo a minimum of 40 hours of training in specified areas, including treatment and training programs provided to wards. Existing law requires the board to, among other things, conduct parole consideration hearings, parole rescission hearings, and parole progress hearings for adults and juveniles under the jurisdiction of the department and discharges of commitment, orders for discharge from the jurisdiction of the Division of Juvenile Facilities to the jurisdiction of the committing court, and disciplinary appeals with respect to wards in the custody of the Division

of Juvenile Facilities in the Department of Corrections and Rehabilitation.

This bill would establish the Board of Juvenile Hearings to assume the powers, duties, and responsibilities of the Board of Parole Hearings as it relates to hearings by the Board of Parole Hearings on juvenile matters and would also require the Board of Juvenile Hearings to conduct initial case reviews and annual reviews. The Board of Juvenile Hearings would be comprised of 3 commissioners, appointed by the Governor, subject to Senate confirmation, for 5-year terms. The bill would require the Governor to periodically designate the chair of the Board of Juvenile Hearings. The bill would authorize the Governor to appoint an executive officer of the board, subject to Senate confirmation, who would hold office at the pleasure of the Governor and would require the executive officer to exercise all duties and functions necessary to ensure that the responsibilities of the Board of Juvenile Hearings are successfully discharged. The bill would authorize the Governor to remove any member of the Board of Juvenile Hearings for misconduct, incompetency, or neglect of duty after a full hearing by the Board of State and Community Corrections.

The bill would authorize the Board of Juvenile Hearings to utilize board representatives to whom it may assign appropriate duties, including hearing cases and making decisions, as specified. The bill would require commissioners and board representatives to undergo, within 60 days of appointment and annually thereafter, a minimum of 40 hours of training, as described above, and would also require training in the areas of adolescent brain development, the principles of cognitive behavioral therapy, and evidence-based treatment and recidivism-reduction models.

The bill would delete references to the Juvenile Parole Board and would refer instead to the Board of Juvenile Hearings. The bill would delete other obsolete provisions and make other conforming changes to implement the creation of the Board of Juvenile Hearings.

(3) Existing law requires the Judicial Council to adopt a budget and allocate funding for the trial courts. Existing law requires the Judicial Council to set aside 2% of specified funds appropriated in the annual Budget Act and requires the funds to remain in the Trial Court Trust Fund to be allocated by the Judicial Council to trial courts for unforeseen emergencies, unanticipated expenses, or unavoidable funding shortfalls.

This bill would instead require the Judicial Council to hold a reserve of \$10,000,000 in the Trial Court Trust Fund to be available to trial courts for emergencies. The bill would require any funding allocated to be replenished on an annual basis from the trial court base allocations. The bill would require the Judicial Council to establish a process for trial courts to apply for emergency funding.

(4) Existing law, the Sargent Shriver Civil Counsel Act, requires legal counsel to be appointed to represent low-income parties in civil matters involving critical issues affecting basic human needs in those courts selected by the Judicial Council, as specified. Existing law, subject to funding specifically provided for this purpose, requires the Judicial Council to develop one or more model pilot projects in selected courts to provide that representation of counsel in civil matters, as specified.

Existing law provides for the assessment of various fees and fines, including, among others, sanctions for violation of a court order. Existing law requires the superior court to deposit the fees and fines in a bank account with the Administrative Office of the Courts and specifies how those moneys are to be distributed, including, until January 1, 2017, to the Trial Court Trust Fund to be used by the Judicial Council to implement and administer the civil representation pilot program described above.

This bill would repeal the date restriction on this distribution, thereby extending that provision indefinitely.

(5) Existing law, until July 1, 2017, sets the fees at \$25 or \$30 for various court services, including, but not limited to, issuing a writ for the enforcement of an order or judgment and filing an application for renewal of judgment, respectively. Existing law requires, only through June 30, 2017, the Judicial Council to use \$10 of each fee collected for those services for the expenses of the Judicial Council in implementing and administering the civil representation pilot program described above. Existing law, commencing July 1, 2017, reduces each of the above fees by \$10.

This bill would require that the above fees remain set at \$25 and \$30, respectively. The bill would instead require the Judicial Council to use an amount equivalent to \$10 of each fee for expenses in administering the civil representation pilot program. The bill would make related findings and declarations.

This bill would also make technical, nonsubstantive changes.

(6) Existing law requires specified sports organizations, among other entities, to register with the Department of Justice prior to conducting a raffle. Existing law authorizes the department to require an annual registration fee to cover the reasonable costs of this registration, which is deposited by the department into the General Fund.

This bill would create the Major League Sporting Event Raffle Fund, and deposit the registration fees into that fund instead of the General Fund. The bill would, under specified conditions, authorize a loan of \$1,005,000 from the General Fund to the Major League Sporting Event Raffle Fund for use by the department for specified enforcement activities.

(7) Existing law authorizes a county to establish a pretrial diversion program for defendants who have been charged with a misdemeanor offense and authorizes other diversion programs, including for defendants with cognitive developmental disabilities, defendants in nonviolent drug cases, and traffic violations.

This bill would establish the Law Enforcement Assisted Diversion (LEAD) pilot program, to be administered by the Board of State and Community Corrections, to improve public safety and reduce recidivism by increasing the availability and use of social service resources while reducing costs to law enforcement agencies and courts stemming from repeated incarceration. The bill would require the board to award grants, on a competitive basis, to up to 3 jurisdictions to establish LEAD programs and would require the board to establish minimum standards, funding schedules, and procedures for awarding grants. The bill would establish requirements for referral of people who may be arrested for, or who have a history of, low-level drug offenses or prostitution, as defined, to social services in lieu of prosecution. The bill would require the board to contract with a non-profit research entity, university, or college to evaluate the effectiveness of the LEAD program and submit a report of the findings to the Governor and the Legislature by January 1, 2020. The bill would appropriate \$15,000,000 from the General Fund for the LEAD pilot program and would authorize the board to spend up to \$550,000 of that amount for the contracts to evaluate the effectiveness of the LEAD program and to contract with experts in the implementation of LEAD in other jurisdictions, as specified.

(8) Existing law establishes the Division of Health Care Operations and the Division of Health Care Policy and Administration within the Department of Corrections and Rehabilitation under the Undersecretary of Health Care Services. Existing law requires these divisions to be

headed by a director, who shall be appointed by the Governor. Existing law requires the department to expand substance abuse treatment services in prisons to accommodate at least 4,000 additional inmates who have histories of substance abuse.

This bill would require the department to establish a 3-year pilot program to provide a medically assisted substance use disorder treatment model for the treatment of inmates, as specified. The bill would require the department to submit reports to the fiscal and appropriate policy committees of the Legislature, including specified information regarding the pilot program.

(9) Existing law allows the Secretary of the Department of Corrections and Rehabilitation to enter into an agreement with a city, county, or city and county, to permit transfer of prisoners in the custody of the secretary to a jail or other adult correctional facility. Under existing law, prisoners transferred to a local facility remain under the legal custody of the department. Existing law, until January 1, 2017, allows a transfer of prisoners to include inmates who have been sentenced to the department but remain housed in a county jail, and specifies that these prisoners shall be under the sole legal custody and jurisdiction of the sheriff or other official having jurisdiction over the facility and not under the legal custody and jurisdiction of the department. Existing law, until January 1, 2017, for purposes of entering into agreements pursuant to the above provisions, waives any process, regulation, or requirement relating to entering into those agreements.

This bill would extend those provisions until January 1, 2020.

(10) Existing law, until January 1, 2017, allows the secretary to enter into one or more agreements in the form of a lease or operating agreement with private entities to obtain secure housing capacity in the state or in another state, upon terms and conditions deemed necessary and appropriate to the secretary. Existing law, until January 1, 2017, waives any process, regulation, or requirement that relates to the procurement or implementation of those agreements, except as specified. Existing law, until January 1, 2017, makes the provisions of the California Environmental Quality Act inapplicable to these provisions.

This bill would extend those provisions until January 1, 2020.

(11) Existing law establishes the Board of State and Community Corrections to, among other things, administer the Second Chance Program to invest in community-based programs, services, and initiatives for formerly incarcerated individuals in need of mental health

and substance use treatment services. Existing law prohibits specified officials from being financially interested in any contract made by them in their official capacity. Existing law states that members of a committee created by the Board of State and Community Corrections have no financial interest in any contract made by the board, as specified, based upon the receipt of compensation for holding public office or public employment. Existing federal law, the Edward Byrne Memorial Justice Assistance Grant Program, provides federal criminal justice funding to state and local entities.

This bill would instead provide that, for the purpose of the prohibition on officials being financially interested in any contract made by them in their official capacity, members of a committee created by the board pursuant to the Second Chance Program or the federal Edward Byrne Memorial Justice Assistance Grant Program have no financial interest in any contract made by the board, as specified, based upon the receipt of compensation for holding public office or public employment.

(12) Existing law establishes the Department of Corrections and Rehabilitation to oversee the state prison system.

This bill would, upon appropriation by the Legislature, require the department to award funding for a grant program to not-for-profit organizations to replicate their programs at institutions that are underserved by volunteer and not-for-profit organizations, as specified. The bill would require grant funding be provided to programs that have demonstrated success and focus on offender responsibility and restorative justice principles. The bill would require these programs to demonstrate that they will become self-sufficient or will be funded in the long term by donations or another source of ongoing funding.

(13) Existing law, until January 1, 2017, allows the secretary to enter into agreements for the transfer of prisoners to, or placement of prisoners in, community correctional centers and to enter into contracts to provide housing, sustenance, and supervision for inmates placed in community correctional centers. Existing law, until January 1, 2017, waives any process, regulation, or requirement that relates to entering into those agreements.

This bill would extend those provisions until January 1, 2020.

(14) Existing law allows any court or other agency or officer of this state having power to commit or transfer an inmate to any institution for confinement to commit or transfer that inmate to any institution outside this state if this state has entered into a contract or contracts for the confinement of inmates in that institution and the inmate, if he

or she was sentenced under California law and has executed written consent to the transfer, except that existing law, until January 1, 2017, allows the secretary to transfer the inmate to a facility in another state without the consent of the inmate.

This bill would extend the authority of the secretary to transfer an inmate to a facility in another state without the consent of the inmate until January 1, 2020.

(15) Existing law prohibits the transfer of an inmate to a community correctional reentry facility unless certain conditions have been met, including that the inmate has less than 120 days left to serve in a correctional facility.

This bill would instead condition the transfer of an inmate to a community correction reentry facility on the inmate having less than one year left to serve in a correctional facility.

(16) Existing law requires the department to work with the appropriate budget and policy committees of the Legislature and the Legislative Analyst's Office to establish appropriate oversight, evaluation, and accountability measures to be adopted as part of its "future of corrections plan." Existing law requires the plan to include periodic review by the Department of Finance's Office of State Audits and Evaluations.

This bill would repeal those provisions.

(17) Existing law requires the Department of Corrections and Rehabilitation to develop policies, as specified, related to the department's contraband interdiction efforts for individuals entering the department's detention facilities. Existing law requires the department to conduct an evaluation of the policy within 2 years of its implementation. Existing law requires this evaluation to include, among other information, the amount of contraband found in the prisons and the number of staff assaults that occurred in the prisons where the policy was implemented.

This bill would require that the evaluation additionally include the rates of drug use by inmates in the prisons where the policy was implemented. The bill would also require the department to provide an interim report detailing its evaluation of the policy to the Legislature by June 30, 2016, and a final report to the Legislature on April 30, 2017, as specified.

(18) Existing law requires the Department of Corrections and Rehabilitation, when amending regulations impacting visitation of inmates, to recognize and consider, among other things, the value of

visiting as a means to improve the safety of prisons for both staff and inmates.

This bill would provide that inmates are not prohibited from family visits based solely on the fact that the inmate was sentenced to life without the possibility of parole or was sentenced to life and is without a parole date established by the Board of Parole Hearings.

(19) Existing law establishes the Commission on Correctional Peace Officer Standards and Training within the Department of Corrections and Rehabilitation and requires the commission to develop standards for the selection and training of state correctional peace officer apprentices.

This bill would require the commission, when developing, approving, and monitoring the standards for the training of state correctional peace officer apprentices, to consider including additional training in the areas of mental health and rehabilitation, as well as coursework on the theory and history of corrections.

(20) Existing law establishes the Commission on Peace Officer Standards and Training within the Department of Justice, and requires the commission to adopt rules regarding the minimum occupational standards governing peace officers. Existing law requires the commission to select a chairperson and vice chairperson from among its members.

This bill would require the Governor to designate the chair of the commission from among the members of the commission. The bill would provide that the chair would serve at the pleasure of the Governor. The bill would require the commission to annually select a vice chair from among its members.

(21) Existing law authorizes the Department of Justice to require each dealer to charge each firearm purchaser or transferee a fee not to exceed \$1 for each firearm transaction for the purpose of supporting department program costs related to the Deadly Weapons Recodification Act of 2010.

This bill would authorize the Department of Justice to increase that fee at a rate not to exceed any increase in the California Consumer Price Index and not to exceed the reasonable cost of regulation to the department.

(22) Existing law establishes the Firearms Safety and Enforcement Special Fund and continuously appropriates the moneys in the fund to the Department of Justice for purposes relating to the regulation of firearms. Existing law also authorizes the department to require firearms

dealers to charge each person who obtains a firearm a fee not to exceed \$5 for each transaction. Revenues from this fee are deposited into the fund.

This bill would make the revenue deposited into that fund available for expenditure by the department upon appropriation by the Legislature. The bill would also authorize the department to increase the \$5 fee at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations, and not to exceed the reasonable cost of regulation to the department.

(23) The California Health Facilities Financing Authority Act authorizes the California Health Facilities Financing Authority (authority) to make loans from the continuously appropriated California Health Facilities Financing Authority Fund to participating health institutions for financing or refinancing the acquisition, construction, or remodeling of health facilities.

This bill would provide that funds appropriated by the Legislature to the authority for the purposes of the provisions of the bill be made available to selected counties, city and county, or counties acting jointly and used to establish a competitive grant program designed to promote diversion programs and services by increasing and expanding mental health treatment facilities, substance use disorder treatment facilities, and trauma-centered service facilities, including facilities providing services for sex trafficking victims, domestic violence victims, and victims of other violent crimes, in local communities, through the provision of infrastructure grants. The bill would require the authority to develop and to consider specified selection criteria for awarding grants, as prescribed. The bill would require the authority to provide prescribed reports to the fiscal and policy committees of the Legislature on April 1, 2018, and annually until April 1, 2020. The bill would authorize the authority to adopt emergency regulations to implement the grant program, as prescribed. The bill would prohibit funds awarded by the authority from being used to supplant existing financial and resource commitments of the grantee.

(24) Existing law establishes state hospitals for the care, treatment, and education of mentally disordered persons. These hospitals are under the jurisdiction of the State Department of State Hospitals, which is authorized by existing law to adopt regulations regarding the conduct and management of these facilities. Existing law requires that at least 20% of the 1,362 licensed beds at Napa State Hospital be available in

any given fiscal year for use by counties for contracted services. Existing law also restricts the placement of patients in the remaining beds, as specified.

This bill would delete these provisions pertaining to the placement of patients in beds at Napa State Hospital.

(25) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2016.~~

Vote: majority. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 231 of the Code of Civil Procedure is*
2 *amended to read:*

3 231. (a) In criminal cases, if the offense charged is punishable
4 with death, or with imprisonment in the state prison for life, the
5 defendant is entitled to 20 and the people to 20 peremptory
6 challenges. Except as provided in subdivision (b), in a trial for any
7 other offense, the defendant is entitled to 10 and the state to 10
8 peremptory challenges. When two or more defendants are jointly
9 tried, their challenges shall be exercised jointly, but each defendant
10 shall also be entitled to five additional challenges which may be
11 exercised separately, and the people shall also be entitled to
12 additional challenges equal to the number of all the additional
13 separate challenges allowed the defendants.

14 (b) If the offense charged is punishable with a maximum term
15 of imprisonment of ~~90 days~~ *one year* or less, the defendant is
16 entitled to six and the state to six peremptory challenges. When
17 two or more defendants are jointly tried, their challenges shall be
18 exercised jointly, but each defendant shall also be entitled to ~~four~~
19 *two* additional challenges which may be exercised separately, and
20 the state shall also be entitled to additional challenges equal to the
21 number of all the additional separate challenges allowed the
22 defendants.

23 (c) In civil cases, each party shall be entitled to six peremptory
24 challenges. If there are more than two parties, the court shall, for
25 the purpose of allotting peremptory challenges, divide the parties
26 into two or more sides according to their respective interests in

1 the issues. Each side shall be entitled to eight peremptory
2 challenges. If there are several parties on a side, the court shall
3 divide the challenges among them as nearly equally as possible.
4 If there are more than two sides, the court shall grant such
5 additional peremptory challenges to a side as the interests of justice
6 may ~~require~~; *require*, provided that the peremptory challenges of
7 one side shall not exceed the aggregate number of peremptory
8 challenges of all other sides. If any party on a side does not use
9 his or her full share of peremptory challenges, the unused
10 challenges may be used by the other party or parties on the same
11 side.

12 (d) Peremptory challenges shall be taken or passed by the sides
13 alternately, commencing with the plaintiff or ~~people~~; *people*, and
14 each party shall be entitled to have the panel full before exercising
15 any peremptory challenge. When each side passes consecutively,
16 the jury shall then be sworn, unless the court, for good cause, shall
17 otherwise order. The number of peremptory challenges remaining
18 with a side shall not be diminished by any passing of a peremptory
19 challenge.

20 (e) If all the parties on both sides pass consecutively, the jury
21 shall then be sworn, unless the court, for good cause, shall
22 otherwise order. The number of peremptory challenges remaining
23 with a side shall not be diminished by any passing of a peremptory
24 challenge.

25 (f) *The Judicial Council shall conduct a study, and on or before*
26 *January 1, 2020, shall submit a report to the public safety*
27 *committees of both houses of the Legislature on the reductions in*
28 *peremptory challenges resulting from the enactment of the act that*
29 *added this subdivision. The study shall include, but not be limited*
30 *to, an examination of the number of peremptory challenges used*
31 *by the defendant and the state in misdemeanor jury trials, a*
32 *representative sample of the types of cases that go to jury trial,*
33 *and the resulting cost savings to the courts. The report submitted*
34 *pursuant to this subdivision shall be submitted in compliance with*
35 *Section 9795 of the Government Code.*

36 (g) *This section shall remain in effect only until January 1, 2021,*
37 *and as of that date is repealed, unless a later enacted statute, that*
38 *is enacted before January 1, 2021, deletes or extends that date.*

39 SEC. 2. *Section 231 is added to the Code of Civil Procedure,*
40 *to read:*

1 231. (a) *In criminal cases, if the offense charged is punishable*
2 *with death, or with imprisonment in the state prison for life, the*
3 *defendant is entitled to 20 and the people to 20 peremptory*
4 *challenges. Except as provided in subdivision (b), in a trial for*
5 *any other offense, the defendant is entitled to 10 and the state to*
6 *10 peremptory challenges. When two or more defendants are jointly*
7 *tried, their challenges shall be exercised jointly, but each defendant*
8 *shall also be entitled to five additional challenges which may be*
9 *exercised separately, and the people shall also be entitled to*
10 *additional challenges equal to the number of all the additional*
11 *separate challenges allowed the defendants.*

12 (b) *If the offense charged is punishable with a maximum term*
13 *of imprisonment of 90 days or less, the defendant is entitled to six*
14 *and the state to six peremptory challenges. When two or more*
15 *defendants are jointly tried, their challenges shall be exercised*
16 *jointly, but each defendant shall also be entitled to four additional*
17 *challenges which may be exercised separately, and the state shall*
18 *also be entitled to additional challenges equal to the number of*
19 *all the additional separate challenges allowed the defendants.*

20 (c) *In civil cases, each party shall be entitled to six peremptory*
21 *challenges. If there are more than two parties, the court shall, for*
22 *the purpose of allotting peremptory challenges, divide the parties*
23 *into two or more sides according to their respective interests in*
24 *the issues. Each side shall be entitled to eight peremptory*
25 *challenges. If there are several parties on a side, the court shall*
26 *divide the challenges among them as nearly equally as possible.*
27 *If there are more than two sides, the court shall grant such*
28 *additional peremptory challenges to a side as the interests of justice*
29 *may require, provided that the peremptory challenges of one side*
30 *shall not exceed the aggregate number of peremptory challenges*
31 *of all other sides. If any party on a side does not use his or her full*
32 *share of peremptory challenges, the unused challenges may be*
33 *used by the other party or parties on the same side.*

34 (d) *Peremptory challenges shall be taken or passed by the sides*
35 *alternately, commencing with the plaintiff or people; and each*
36 *party shall be entitled to have the panel full before exercising any*
37 *peremptory challenge. When each side passes consecutively, the*
38 *jury shall then be sworn, unless the court, for good cause, shall*
39 *otherwise order. The number of peremptory challenges remaining*

1 *with a side shall not be diminished by any passing of a peremptory*
2 *challenge.*

3 *(e) If all the parties on both sides pass consecutively, the jury*
4 *shall then be sworn, unless the court, for good cause, shall*
5 *otherwise order. The number of peremptory challenges remaining*
6 *with a side shall not be diminished by any passing of a peremptory*
7 *challenge.*

8 *(f) This section shall become operative on January 1, 2021.*

9 *SEC. 3. Section 7522.57 of the Government Code is amended*
10 *to read:*

11 7522.57. (a) This section shall apply to any retired person who
12 is receiving a pension benefit from a public retirement system and
13 is first appointed on or after January 1, 2013, to a salaried position
14 on a state board or commission. This section shall supersede any
15 other provision in conflict with this section.

16 (b) A person who is retired from a public retirement system
17 may serve without reinstatement from retirement or loss or
18 interruption of benefits provided that appointment is to a part-time
19 state board or commission. A retired person whose employment
20 without reinstatement is authorized by this subdivision shall acquire
21 no benefits, service credit, or retirement rights with respect to the
22 employment. Unless otherwise defined in statute, for the purpose
23 of this section, a part-time appointment shall mean an appointment
24 with a salary of no more than \$60,000 annually, which shall be
25 increased in any fiscal year in which a general salary increase is
26 provided for state employees. The amount of the increase provided
27 by this section shall be comparable to, but shall not exceed, the
28 percentage of the general salary increases provided for state
29 employees during that fiscal year.

30 (c) A person who is retired from the Public Employees'
31 Retirement System shall not serve on a full-time basis on a state
32 board or commission without reinstatement unless that person
33 serves as a nonsalaried member of the board or commission and
34 receives only per diem authorized to all members of the board or
35 commission. A person who serves as a nonsalaried member of a
36 board or commission shall not earn any service credit or benefits
37 in the Public Employees' Retirement System or make contributions
38 with respect to the service performed.

39 (d) A person retired from a public retirement system other than
40 the Public Employees' Retirement System who is appointed on a

1 full-time basis to a state board or commission shall choose one of
2 the following options:

3 (1) The person may serve as a nonsalaried member of the board
4 or commission and continue to receive his or her retirement
5 allowance, in addition to any per diem authorized to all members
6 of the board or commission. The person shall not earn service
7 credit or benefits in the Public Employees' Retirement System and
8 shall not make contributions with respect to the service performed.

9 (2) (A) The person may suspend his or her retirement allowance
10 or allowances and instate as a new member of the Public
11 Employees' Retirement System for the service performed on the
12 board or commission. The pensionable compensation earned
13 pursuant to this paragraph shall not be eligible for reciprocity with
14 any other retirement system or plan.

15 (B) Upon retiring for service after serving on the board or
16 commission, the appointee shall be entitled to reinstatement of any
17 suspended benefits, including employer provided retiree health
18 benefits, that he or she was entitled to at the time of being
19 appointed to the board or commission.

20 (e) Notwithstanding subdivisions (c) and (d), a person who
21 retires from a public employer may serve without reinstatement
22 from retirement or loss or interruption of benefits provided by the
23 retirement system upon appointment to a full-time state board
24 pursuant to Section 5075 of the Penal Code. ~~Code or Section 1718~~
25 ~~of the Welfare and Institutions Code.~~

26 *SEC. 4. Section 11555 of the Government Code is amended to*
27 *read:*

28 11555. (a) Effective January 1, 1988, an annual salary of
29 seventy-one thousand five hundred eighty-seven dollars (\$71,587)
30 shall be paid to the following:

31 (1) Chairperson of the Board of Parole Hearings.

32 (2) Chairperson of the Occupational Safety and Health Appeals
33 Board.

34 (3) *Chairperson of the Board of Juvenile Hearings.*

35 (b) The annual compensation provided by this section shall be
36 increased in any fiscal year in which a general salary increase is
37 provided for state employees. The amount of the increase provided
38 by this section shall be comparable to, but shall not exceed, the
39 percentage of the general salary increases provided for state
40 employees during that fiscal year.

(c) Notwithstanding subdivision (b), any salary increase is subject to Section 19825.5.

SEC. 5. Section 11556 of the Government Code is amended to read:

11556. (a) Effective January 1, 1988, an annual salary of sixty-nine thousand seventy-six dollars (\$69,076) shall be paid to each of the following:

(1) Commissioner of the Board of Parole Hearings.

(2) Member of the Occupational Safety and Health Appeals Board.

(3) *Commissioner of the Board of Juvenile Hearings.*

(b) The annual compensation provided by this section shall be increased in any fiscal year in which a general salary increase is provided for state employees. The amount of the increase provided by this section shall be comparable to, but shall not exceed, the percentage of the general salary increases provided for state employees during that fiscal year.

(c) Notwithstanding subdivision (b), any salary increase is subject to Section 19825.5.

SEC. 6. Section 12838 of the Government Code is amended to read:

12838. (a) There is hereby created in state government the Department of Corrections and Rehabilitation, to be headed by a secretary, who shall be appointed by the Governor, subject to Senate confirmation, and shall serve at the pleasure of the Governor. The Department of Corrections and Rehabilitation shall consist of Adult Operations, Adult Programs, Health Care Services, Juvenile Justice, the Board of Parole Hearings, *the Board of Juvenile Hearings*, the State Commission on Juvenile Justice, the Prison Industry Authority, and the Prison Industry Board.

(b) The Governor, upon recommendation of the secretary, may appoint three undersecretaries of the Department of Corrections and Rehabilitation, subject to Senate confirmation. The undersecretaries shall hold office at the pleasure of the Governor. One undersecretary shall oversee administration and offender services, one undersecretary shall oversee health care services, and one undersecretary shall oversee operations for the department.

(c) The Governor, upon recommendation of the secretary, shall appoint a Chief for the Office of Victim Services, and a Chief for

1 the Office of Correctional Safety, both of whom shall serve at the
2 pleasure of the Governor.

3 *SEC. 7. Section 12838.4 of the Government Code is amended*
4 *to read:*

5 12838.4. The Board of Parole Hearings is hereby created. The
6 Board of Parole Hearings shall be comprised of—~~17~~ 14
7 commissioners, who shall be appointed by the Governor, subject
8 to Senate confirmation, for three-year terms. The Board of Parole
9 Hearings hereby succeeds to, and is vested with, all the powers,
10 duties, responsibilities, obligations, liabilities, and jurisdiction of
11 the following entities, which shall no longer exist: Board of Prison
12 Terms, Narcotic Addict Evaluation Authority, and Youthful
13 Offender Parole Board. For purposes of this article, the above
14 entities shall be known as “predecessor entities.”

15 *SEC. 8. Section 68502.5 of the Government Code is amended*
16 *to read:*

17 68502.5. (a) The Judicial Council may, as part of its trial court
18 budget process, seek input from groups and individuals as it deems
19 ~~appropriate~~ appropriate, including, but not limited to, advisory
20 committees and the Administrative Director of the Courts. The
21 trial court budget process may include, but is not limited to, the
22 following:

23 (1) The receipt of budget requests from the trial courts.

24 (2) The review of the trial courts’ budget requests and evaluate
25 them against performance criteria established by the Judicial
26 Council by which a court’s performance, level of coordination,
27 and efficiency can be measured.

28 (3) The annual adoption of the projected cost in the subsequent
29 fiscal year of court operations as defined in Section 77003 for each
30 trial court. This estimation shall serve as a basis for recommended
31 court budgets, which shall be developed for comparison purposes
32 and to delineate funding responsibilities.

33 (4) The annual approval of a schedule for the allocation of
34 moneys to individual courts and an overall trial court budget for
35 forwarding to the Governor for inclusion in the Governor’s
36 proposed State Budget. The schedule shall be based on the
37 performance criteria established pursuant to paragraph (2), on a
38 minimum standard established by the Judicial Council for the
39 operation and staffing of all trial court operations, and on any other
40 factors as determined by the Judicial Council. This minimum

1 standard shall be modeled on court operations using all reasonable
2 and available measures to increase court efficiency. The schedule
3 of allocations shall assure that all trial courts receive funding for
4 the minimum operating and staffing standards before funding
5 operating and staffing requests above the minimum standards, and
6 shall include incentives and rewards for any trial court's
7 implementation of efficiencies and cost saving measures.

8 (5) The reallocation of funds during the course of the fiscal year
9 to ensure equal access to the trial courts by the public, to improve
10 trial court operations, and to meet trial court emergencies. Neither
11 the state nor the counties shall have any obligation to replace
12 moneys appropriated for trial courts and reallocated pursuant to
13 this paragraph.

14 (6) The allocation of funds in the State Trial Court Improvement
15 and Modernization Fund to ensure equal access to trial courts by
16 the public, to improve trial court operations, and to meet trial court
17 emergencies, as expressly authorized by statute.

18 (7) Upon approval of the trial courts' budget by the Legislature,
19 the preparation during the course of the fiscal year of allocation
20 schedules for payments to the trial courts, consistent with Section
21 68085, which shall be submitted to the Controller's office at least
22 15 days before the due date of any allocation.

23 (8) The establishment of rules regarding a court's authority to
24 transfer trial court funding moneys from one functional category
25 to another in order to address needs in any functional category.

26 (9) At the request of the presiding judge of a trial court, an
27 independent review of the funding level of the court to determine
28 whether it is adequate to enable the court to discharge its statutory
29 and constitutional responsibilities.

30 (10) From time to time, a review of the level of fees charged
31 by the courts for various services and prepare recommended
32 adjustments for forwarding to the Legislature.

33 (11) Provisions set forth in rules adopted pursuant to Section
34 ~~77206 of the Government Code: 77206.~~

35 (b) Courts and counties shall establish procedures to allow for
36 the sharing of information as it relates to approved budget proposals
37 and expenditures that impact the respective court and county
38 budgets. The procedures shall include, upon the request of a court
39 or county, that a respective court or county shall provide the
40 requesting court or county a copy of its approved budget and, to

1 the extent possible, approved program expenditure component
2 information and a description of budget changes that are anticipated
3 to have an impact on the requesting court or county. The Judicial
4 Council shall provide to the Legislature on December 31, 2001,
5 and yearly thereafter, budget expenditure data at the program
6 component level for each court.

7 (c) (1) The Judicial Council shall retain the ultimate
8 responsibility to adopt a budget and allocate funding for the trial
9 courts and perform the other activities listed in subdivision (a) that
10 best assure their ability to carry out their functions, promote
11 implementation of statewide policies, and promote the immediate
12 implementation of efficiencies and cost saving measures in court
13 operations, in order to guarantee equal access to the courts.

14 (2) (A) When setting the allocations for trial courts, the Judicial
15 Council shall set a preliminary allocation in July of each fiscal
16 year. The preliminary allocation shall include an estimate of
17 available trial court reserves as of June 30 of the prior fiscal year
18 and each court's preliminary allocation shall be offset by the
19 amount of reserves in excess of the amount authorized to be carried
20 over pursuant to subdivision (b) of Section 77203. In January of
21 each fiscal year, after review of available trial court reserves as of
22 June 30 of the prior fiscal year, the Judicial Council shall finalize
23 allocations to trial courts and each court's finalized allocation shall
24 be offset by the amount of reserves in excess of the amount
25 authorized to be carried over pursuant to subdivision (b) of Section
26 77203.

27 ~~(B) Upon preliminary determination of the allocations to trial~~
28 ~~courts pursuant to subparagraph (A), the Judicial Council shall set~~
29 ~~aside 2 percent of the total funds appropriated in Program 45.10~~
30 ~~of Item 0250-101-0932 of the annual Budget Act and these funds~~
31 ~~shall remain in the Trial Court Trust Fund. These funds shall be~~
32 ~~administered by the Judicial Council and be allocated to trial courts~~
33 ~~for unforeseen emergencies, unanticipated expenses for existing~~
34 ~~programs, or unavoidable funding shortfalls. Unavoidable funding~~
35 ~~shortfall requests for up to 1.5 percent of these funds shall be~~
36 ~~submitted by the trial courts to the Judicial Council no later than~~
37 ~~October 1 of each year. The Judicial Council shall, by October 31~~
38 ~~of each year, review and evaluate all requests submitted, select~~
39 ~~trial courts to receive funds, and notify those selected trial courts.~~
40 ~~By March 15 of each year, the Judicial Council shall distribute the~~

1 remaining funds if there has been a request from a trial court for
2 unforeseen emergencies or unanticipated expenses that has been
3 reviewed, evaluated, and approved. Any unexpended funds shall
4 be distributed to the trial courts on a prorated basis.

5 (C) The Judicial Council shall, no later than April 15 of each
6 year, report to the Legislature, pursuant to Section 9795 of the
7 Government Code, and to the Department of Finance all requests
8 and allocations made pursuant to subparagraph (B).

9 (B) The Judicial Council shall hold a reserve of ten million
10 dollars (\$10,000,000) in the Trial Court Trust Fund to be available
11 to trial courts for emergencies. The funding shall be administered
12 by the Judicial Council, and any funding allocated shall be
13 replenished on an annual basis from the trial court base
14 allocations. The Judicial Council shall establish a process for trial
15 courts to apply for emergency funding.

16 (C) The Judicial Council shall, no later than October 1 of each
17 year, report to the Legislature, pursuant to Section 9795, and to
18 the Department of Finance all requests and allocations made
19 pursuant to subparagraph (B) for the preceding year.

20 SEC. 9. Section 68085.1 of the Government Code, as amended
21 by Section 22 of Chapter 913 of the Statutes of 2014, is amended
22 to read:

23 68085.1. (a) This section applies to all fees and fines that are
24 collected on or after January 1, 2006, under all of the following:

25 (1) Sections 177.5, 209, 403.060, 491.150, 631.3, 683.150,
26 704.750, 708.160, 724.100, 1134, 1161.2, 1218, and 1993.2 of,
27 subdivision (g) of Section 411.20 and subdivisions (c) and (g) of
28 Section 411.21 of, subdivision (b) of Section 631 of, and Chapter
29 5.5 (commencing with Section 116.110) of Title 1 of Part 1 of, the
30 Code of Civil Procedure.

31 (2) Section 3112 of the Family Code.

32 (3) Section 31622 of the Food and Agricultural Code.

33 (4) Subdivision (d) of Section 6103.5, Sections 68086 and
34 68086.1, subdivision (d) of Section 68511.3, Sections 68926.1 and
35 69953.5, and Chapter 5.8 (commencing with Section 70600).

36 (5) Section 103470 of the Health and Safety Code.

37 (6) Subdivisions (b) and (c) of Section 166 and Section 1214.1
38 of the Penal Code.

39 (7) Sections 1835, 1851.5, 2343, 7660, and 13201 of the Probate
40 Code.

1 (8) Sections 14607.6 and 16373 of the Vehicle Code.

2 (9) Section 71386 of this code, Sections 304, 7851.5, and 9002
3 of the Family Code, and Section 1513.1 of the Probate Code, if
4 the reimbursement is for expenses incurred by the court.

5 (10) Section 3153 of the Family Code, if the amount is paid to
6 the court for the cost of counsel appointed by the court to represent
7 a child.

8 (b) On and after January 1, 2006, each superior court shall
9 deposit all fees and fines listed in subdivision (a), as soon as
10 practicable after collection and on a regular basis, into a bank
11 account established for this purpose by the Administrative Office
12 of the Courts. Upon direction of the Administrative Office of the
13 Courts, the county shall deposit civil assessments under Section
14 1214.1 of the Penal Code and any other money it collects under
15 the sections listed in subdivision (a) as soon as practicable after
16 collection and on a regular basis into the bank account established
17 for this purpose and specified by the Administrative Office of the
18 Courts. The deposits shall be made as required by rules adopted
19 by, and financial policies and procedures authorized by, the Judicial
20 Council under subdivision (a) of Section 77206. Within 15 days
21 after the end of the month in which the fees and fines are collected,
22 each court, and each county that collects any fines or fees under
23 subdivision (a), shall provide the Administrative Office of the
24 Courts with a report of the fees by categories as specified by the
25 Administrative Office of the Courts. The Administrative Office
26 of the Courts and any court may agree upon a time period greater
27 than 15 days, but in no case more than 30 days after the end of the
28 month in which the fees and fines are collected. The fees and fines
29 listed in subdivision (a) shall be distributed as provided in this
30 section.

31 (c) (1) Within 45 calendar days after the end of the month in
32 which the fees and fines listed in subdivision (a) are collected, the
33 Administrative Office of the Courts shall make the following
34 distributions:

35 (A) To the small claims advisory services, as described in
36 subdivision (f) of Section 116.230 of the Code of Civil Procedure.

37 (B) To dispute resolution programs, as described in subdivision
38 (b) of Section 68085.3 and subdivision (b) of Section 68085.4.

39 (C) To the county law library funds, as described in Sections
40 116.230 and 116.760 of the Code of Civil Procedure, subdivision

(b) of Section 68085.3, subdivision (b) of Section 68085.4, and Section 70621 of this code, and Section 14607.6 of the Vehicle Code.

(D) To the courthouse construction funds in the Counties of Riverside, San Bernardino, and San Francisco, as described in Sections 70622, 70624, and 70625.

(E) Commencing July 1, 2011, to the Trial Court Trust Fund, as described in subdivision (e) of Section 70626, to be used by the Judicial Council to implement and administer the civil representation pilot program under Section 68651.

(2) If any distribution under this subdivision is delinquent, the Administrative Office of the Courts shall add a penalty to the distribution as specified in subdivision (i).

(d) Within 45 calendar days after the end of the month in which the fees and fines listed in subdivision (a) are collected, the amounts remaining after the distributions in subdivision (c) shall be transmitted to the State Treasury for deposit in the Trial Court Trust Fund and other funds as required by law. This remittance shall be accompanied by a remittance advice identifying the collection month and the appropriate account in the Trial Court Trust Fund or other fund to which it is to be deposited. Upon the receipt of any delinquent payment required under this subdivision, the Controller shall calculate a penalty as provided under subdivision (i).

(e) From the money transmitted to the State Treasury under subdivision (d), the Controller shall make deposits as follows:

(1) Into the State Court Facilities Construction Fund, the Judges' Retirement Fund, and the Equal Access Fund, as described in subdivision (c) of Section 68085.3 and subdivision (c) of Section 68085.4.

(2) Into the Health Statistics Special Fund, as described in subdivision (b) of Section 70670 of this code and Section 103730 of the Health and Safety Code.

(3) Into the Family Law Trust Fund, as described in Section 70674.

(4) Into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, established in Section 70371.5, as described in Sections 68085.3, 68085.4, and 70657.5, and subdivision (e) of Section 70617.

1 (5) The remainder of the money shall be deposited into the Trial
2 Court Trust Fund.

3 (f) The amounts collected by each superior court under Section
4 116.232, subdivision (g) of Section 411.20, and subdivision (g) of
5 Section 411.21 of the Code of Civil Procedure, Sections 304, 3112,
6 3153, 7851.5, and 9002 of the Family Code, subdivision (d) of
7 Section 6103.5, subdivision (d) of Section 68511.3 and Sections
8 68926.1, 69953.5, 70627, 70631, 70640, 70661, 70678, and 71386
9 of this code, and Sections 1513.1, 1835, 1851.5, and 2343 of the
10 Probate Code shall be added to the monthly apportionment for that
11 court under subdivision (a) of Section 68085.

12 (g) If any of the fees provided in subdivision (a) are partially
13 waived by court order or otherwise reduced, and the fee is to be
14 divided between the Trial Court Trust Fund and any other fund or
15 account, the amount of the reduction shall be deducted from the
16 amount to be distributed to each fund in the same proportion as
17 the amount of each distribution bears to the total amount of the
18 fee. If the fee is paid by installment payments, the amount
19 distributed to each fund or account from each installment shall
20 bear the same proportion to the installment payment as the full
21 distribution to that fund or account does to the full fee. If a court
22 collects a fee that was incurred before January 1, 2006, under a
23 provision that was the predecessor to one of the paragraphs
24 contained in subdivision (a), the fee may be deposited as if it were
25 collected under the paragraph of subdivision (a) that corresponds
26 to the predecessor of that paragraph and distributed in prorated
27 amounts to each fund or account to which the fee in subdivision
28 (a) must be distributed.

29 (h) Except as provided in Sections 470.5 and 6322.1 of the
30 Business and Professions Code, and Sections 70622, 70624, and
31 70625 of this code, an agency shall not take action to change the
32 amounts allocated to any of the funds described in subdivision (c),
33 (d), or (e).

34 (i) The amount of the penalty on any delinquent payment under
35 subdivision (c) or (d) shall be calculated by multiplying the amount
36 of the delinquent payment at a daily rate equivalent to 1 ½ percent
37 per month for the number of days the payment is delinquent. The
38 penalty shall be paid from the Trial Court Trust Fund. Penalties
39 on delinquent payments under subdivision (d) shall be calculated
40 only on the amounts to be distributed to the Trial Court Trust Fund

1 and the State Court Facilities Construction Fund, and each penalty
2 shall be distributed proportionately to the funds to which the
3 delinquent payment was to be distributed.

4 (j) If a delinquent payment under subdivision (c) or (d) results
5 from a delinquency by a superior court under subdivision (b), the
6 court shall reimburse the Trial Court Trust Fund for the amount
7 of the penalty. Notwithstanding Section 77009, any penalty on a
8 delinquent payment that a court is required to reimburse pursuant
9 to this section shall be paid from the court operations fund for that
10 court. The penalty shall be paid by the court to the Trial Court
11 Trust Fund no later than 45 days after the end of the month in
12 which the penalty was calculated. If the penalty is not paid within
13 the specified time, the Administrative Office of the Courts may
14 reduce the amount of a subsequent monthly allocation to the court
15 by the amount of the penalty on the delinquent payment.

16 (k) If a delinquent payment under subdivision (c) or (d) results
17 from a delinquency by a county in transmitting fees and fines listed
18 in subdivision (a) to the bank account established for this purpose,
19 as described in subdivision (b), the county shall reimburse the Trial
20 Court Trust Fund for the amount of the penalty. The penalty shall
21 be paid by the county to the Trial Court Trust Fund no later than
22 45 days after the end of the month in which the penalty was
23 calculated.

24 ~~(l) This section shall become inoperative on July 1, 2017, and,~~
25 ~~as of January 1, 2018, is repealed, unless a later enacted statute,~~
26 ~~that becomes operative on or before January 1, 2018, deletes or~~
27 ~~extends the dates on which it becomes inoperative and is repealed.~~

28 *SEC. 10. Section 68085.1 of the Government Code, as amended*
29 *by Section 19 of Chapter 41 of the Statutes of 2012, is repealed.*

30 ~~68085.1. (a) This section applies to all fees and fines that are~~
31 ~~collected on or after January 1, 2006, under all of the following:~~

32 ~~(1) Sections 177.5, 209, 403.060, 491.150, 631.3, 683.150,~~
33 ~~704.750, 708.160, 724.100, 1134, 1161.2, 1218, and 1993.2 of,~~
34 ~~subdivision (g) of Section 411.20 and subdivisions (e) and (g) of~~
35 ~~Section 411.21 of, subdivision (b) of Section 631 of, and Chapter~~
36 ~~5.5 (commencing with Section 116.110) of Title 1 of Part 1 of, the~~
37 ~~Code of Civil Procedure.~~

38 ~~(2) Section 3112 of the Family Code.~~

39 ~~(3) Section 31622 of the Food and Agricultural Code.~~

1 ~~(4) Subdivision (d) of Section 6103.5, Sections 68086 and~~
2 ~~68086.1, subdivision (d) of Section 68511.3, Sections 68926.1 and~~
3 ~~69953.5, and Chapter 5.8 (commencing with Section 70600):~~

4 ~~(5) Section 103470 of the Health and Safety Code:~~

5 ~~(6) Subdivisions (b) and (c) of Section 166 and Section 1214.1~~
6 ~~of the Penal Code:~~

7 ~~(7) Sections 1835, 1851.5, 2343, 7660, and 13201 of the Probate~~
8 ~~Code:~~

9 ~~(8) Sections 14607.6 and 16373 of the Vehicle Code:~~

10 ~~(9) Section 71386 of this code, Sections 304, 7851.5, and 9002~~
11 ~~of the Family Code, and Section 1513.1 of the Probate Code, if~~
12 ~~the reimbursement is for expenses incurred by the court:~~

13 ~~(10) Section 3153 of the Family Code, if the amount is paid to~~
14 ~~the court for the cost of counsel appointed by the court to represent~~
15 ~~a child:~~

16 ~~(b) On and after January 1, 2006, each superior court shall~~
17 ~~deposit all fees and fines listed in subdivision (a), as soon as~~
18 ~~practicable after collection and on a regular basis, into a bank~~
19 ~~account established for this purpose by the Administrative Office~~
20 ~~of the Courts. Upon direction of the Administrative Office of the~~
21 ~~Courts, the county shall deposit civil assessments under Section~~
22 ~~1214.1 of the Penal Code and any other money it collects under~~
23 ~~the sections listed in subdivision (a) as soon as practicable after~~
24 ~~collection and on a regular basis into the bank account established~~
25 ~~for this purpose and specified by the Administrative Office of the~~
26 ~~Courts. The deposits shall be made as required by rules adopted~~
27 ~~by, and financial policies and procedures authorized by, the Judicial~~
28 ~~Council under subdivision (a) of Section 77206. Within 15 days~~
29 ~~after the end of the month in which the fees and fines are collected,~~
30 ~~each court, and each county that collects any fines or fees under~~
31 ~~subdivision (a), shall provide the Administrative Office of the~~
32 ~~Courts with a report of the fees by categories as specified by the~~
33 ~~Administrative Office of the Courts. The Administrative Office~~
34 ~~of the Courts and any court may agree upon a time period greater~~
35 ~~than 15 days, but in no case more than 30 days after the end of the~~
36 ~~month in which the fees and fines are collected. The fees and fines~~
37 ~~listed in subdivision (a) shall be distributed as provided in this~~
38 ~~section:~~

39 ~~(c) (1) Within 45 calendar days after the end of the month in~~
40 ~~which the fees and fines listed in subdivision (a) are collected, the~~

~~Administrative Office of the Courts shall make the following distributions:~~

~~(A) To the small claims advisory services, as described in subdivision (f) of Section 116.230 of the Code of Civil Procedure.~~

~~(B) To dispute resolution programs, as described in subdivision (b) of Section 68085.3 and subdivision (b) of Section 68085.4.~~

~~(C) To the county law library funds, as described in Sections 116.230 and 116.760 of the Code of Civil Procedure, subdivision (b) of Section 68085.3, subdivision (b) of Section 68085.4, and Section 70621 of this code, and Section 14607.6 of the Vehicle Code.~~

~~(D) To the courthouse construction funds in the Counties of Riverside, San Bernardino, and San Francisco, as described in Sections 70622, 70624, and 70625.~~

~~(2) If any distribution under this subdivision is delinquent, the Administrative Office of the Courts shall add a penalty to the distribution as specified in subdivision (i).~~

~~(d) Within 45 calendar days after the end of the month in which the fees and fines listed in subdivision (a) are collected, the amounts remaining after the distributions in subdivision (c) shall be transmitted to the State Treasury for deposit in the Trial Court Trust Fund and other funds as required by law. This remittance shall be accompanied by a remittance advice identifying the collection month and the appropriate account in the Trial Court Trust Fund or other fund to which it is to be deposited. Upon the receipt of any delinquent payment required under this subdivision, the Controller shall calculate a penalty as provided under subdivision (i).~~

~~(e) From the money transmitted to the State Treasury under subdivision (d), the Controller shall make deposits as follows:~~

~~(1) Into the State Court Facilities Construction Fund, the Judges' Retirement Fund, and the Equal Access Fund, as described in subdivision (e) of Section 68085.3 and subdivision (e) of Section 68085.4.~~

~~(2) Into the Health Statistics Special Fund, as described in subdivision (b) of Section 70670 of this code and Section 103730 of the Health and Safety Code.~~

~~(3) Into the Family Law Trust Fund, as described in Section 70674.~~

1 ~~(4) Into the Immediate and Critical Needs Account of the State~~
2 ~~Court Facilities Construction Fund, established in Section 70371.5,~~
3 ~~as described in Sections 68085.3, 68085.4, and 70657.5, and~~
4 ~~subdivision (e) of Section 70617.~~

5 ~~(5) The remainder of the money shall be deposited into the Trial~~
6 ~~Court Trust Fund.~~

7 ~~(f) The amounts collected by each superior court under Section~~
8 ~~116.232, subdivision (g) of Section 411.20, and subdivision (g) of~~
9 ~~Section 411.21 of the Code of Civil Procedure, Sections 304, 3112,~~
10 ~~3153, 7851.5, and 9002 of the Family Code, subdivision (d) of~~
11 ~~Section 6103.5, subdivision (d) of Section 68511.3 and Sections~~
12 ~~68926.1, 69953.5, 70627, 70631, 70640, 70661, 70678, and 71386~~
13 ~~of this code, and Sections 1513.1, 1835, 1851.5, and 2343 of the~~
14 ~~Probate Code shall be added to the monthly apportionment for that~~
15 ~~court under subdivision (a) of Section 68085.~~

16 ~~(g) If any of the fees provided in subdivision (a) are partially~~
17 ~~waived by court order or otherwise reduced, and the fee is to be~~
18 ~~divided between the Trial Court Trust Fund and any other fund or~~
19 ~~account, the amount of the reduction shall be deducted from the~~
20 ~~amount to be distributed to each fund in the same proportion as~~
21 ~~the amount of each distribution bears to the total amount of the~~
22 ~~fee. If the fee is paid by installment payments, the amount~~
23 ~~distributed to each fund or account from each installment shall~~
24 ~~bear the same proportion to the installment payment as the full~~
25 ~~distribution to that fund or account does to the full fee. If a court~~
26 ~~collects a fee that was incurred before January 1, 2006, under a~~
27 ~~provision that was the predecessor to one of the paragraphs~~
28 ~~contained in subdivision (a), the fee may be deposited as if it were~~
29 ~~collected under the paragraph of subdivision (a) that corresponds~~
30 ~~to the predecessor of that paragraph and distributed in prorated~~
31 ~~amounts to each fund or account to which the fee in subdivision~~
32 ~~(a) must be distributed.~~

33 ~~(h) Except as provided in Sections 470.5 and 6322.1 of the~~
34 ~~Business and Professions Code, and Sections 70622, 70624, and~~
35 ~~70625 of this code, no agency may take action to change the~~
36 ~~amounts allocated to any of the funds described in subdivision (c),~~
37 ~~(d), or (e).~~

38 ~~(i) The amount of the penalty on any delinquent payment under~~
39 ~~subdivision (c) or (d) shall be calculated by multiplying the amount~~
40 ~~of the delinquent payment at a daily rate equivalent to 1 ½ percent~~

1 per month for the number of days the payment is delinquent. The
2 penalty shall be paid from the Trial Court Trust Fund. Penalties
3 on delinquent payments under subdivision (d) shall be calculated
4 only on the amounts to be distributed to the Trial Court Trust Fund
5 and the State Court Facilities Construction Fund, and each penalty
6 shall be distributed proportionately to the funds to which the
7 delinquent payment was to be distributed.

8 (j) If a delinquent payment under subdivision (c) or (d) results
9 from a delinquency by a superior court under subdivision (b), the
10 court shall reimburse the Trial Court Trust Fund for the amount
11 of the penalty. Notwithstanding Section 77009, any penalty on a
12 delinquent payment that a court is required to reimburse pursuant
13 to this section shall be paid from the court operations fund for that
14 court. The penalty shall be paid by the court to the Trial Court
15 Trust Fund no later than 45 days after the end of the month in
16 which the penalty was calculated. If the penalty is not paid within
17 the specified time, the Administrative Office of the Courts may
18 reduce the amount of a subsequent monthly allocation to the court
19 by the amount of the penalty on the delinquent payment.

20 (k) If a delinquent payment under subdivision (c) or (d) results
21 from a delinquency by a county in transmitting fees and fines listed
22 in subdivision (a) to the bank account established for this purpose,
23 as described in subdivision (b), the county shall reimburse the Trial
24 Court Trust Fund for the amount of the penalty. The penalty shall
25 be paid by the county to the Trial Court Trust Fund no later than
26 45 days after the end of the month in which the penalty was
27 calculated.

28 (l) This section shall become operative on July 1, 2017.

29 SEC. 11. Section 68651 of the Government Code is amended
30 to read:

31 68651. (a) Legal counsel shall be appointed to represent
32 low-income parties in civil matters involving critical issues
33 affecting basic human needs in those specified courts selected by
34 the Judicial Council as provided in this section.

35 (b) (1) Subject to funding specifically provided for this purpose
36 pursuant to subdivision (d) (e) of Section 70626, the Judicial
37 Council shall develop one or more model pilot projects in selected
38 courts pursuant to a competitive grant process and a request for
39 proposals. Projects authorized under this section shall provide
40 representation of counsel for low-income persons who require

1 legal services in civil matters involving housing-related matters,
2 domestic violence and civil harassment restraining orders, probate
3 conservatorships, guardianships of the person, elder abuse, or
4 actions by a parent to obtain sole legal or physical custody of a
5 child, as well as providing court procedures, personnel, training,
6 and case management and administration methods that reflect best
7 practices to ensure unrepresented parties in those cases have
8 meaningful access to justice, and to gather information on the
9 outcomes associated with providing these services, to guard against
10 the involuntary waiver of those rights or their disposition by
11 default. These pilot projects should be designed to address the
12 substantial inequities in timely and effective access to justice that
13 often give rise to an undue risk of erroneous decision because of
14 the nature and complexity of the law and the proceeding or
15 disparities between the parties in education, sophistication,
16 language proficiency, legal representation, access to self-help, and
17 alternative dispute resolution services. In order to ensure that the
18 scarce funds available for the program are used to serve the most
19 critical cases and the parties least able to access the courts without
20 representation, eligibility for representation shall be limited to
21 clients whose household income falls at or below 200 percent of
22 the federal poverty level. Projects shall impose asset limitations
23 consistent with their existing practices in order to ensure optimal
24 use of funds.

25 (2) (A) In light of the significant percentage of parties who are
26 unrepresented in family law matters, proposals to provide counsel
27 in child custody cases should be considered among the highest
28 priorities for funding, particularly when one side is represented
29 and the other is not.

30 (B) Up to 20 percent of available funds shall be directed to
31 projects regarding civil matters involving actions by a parent to
32 obtain sole legal or physical custody of a child. This subparagraph
33 shall not apply to distributions made pursuant to paragraph (3).

34 (3) For the 2012–13 fiscal year, and each subsequent fiscal year,
35 any amounts collected pursuant to subdivision-~~(d)~~ (e) of Section
36 70626 in excess of the total amount transferred to the Trial Court
37 Trust Fund in the 2011–12 fiscal year pursuant to subparagraph
38 (E) of paragraph (1) of subdivision (c) of Section 68085.1 and
39 subdivision-~~(d)~~ (e) of Section 70626 shall be distributed by the
40 Judicial Council without regard to subparagraph (B) of paragraph

1 (2). Those amounts may be distributed by the Judicial Council as
2 set forth in this ~~subdivision beginning July 1, 2012:~~ *subdivision*.
3 If the funds are to be distributed to new projects, the Judicial
4 Council shall distribute those amounts pursuant to the process set
5 forth in this subdivision.

6 (4) Each project shall be a partnership between the court, a
7 qualified legal services project, as defined by subdivision (a) of
8 Section 6213 of the Business and Professions Code, that shall serve
9 as the lead agency for case assessment and direction, and other
10 legal services providers in the community who are able to provide
11 the services for the project. The lead legal services agency shall
12 be the central point of contact for receipt of referrals to the project
13 and to make determinations of eligibility based on uniform criteria.
14 The lead legal services agency shall be responsible for providing
15 representation to the clients or referring the matter to one of the
16 organization or individual providers with whom the lead legal
17 services agency contracts to provide the service. Funds received
18 by a qualified legal services project shall not qualify as
19 expenditures for the purposes of the distribution of funds pursuant
20 to Section 6216 of the Business and Professions Code. To the
21 extent practical, the lead legal services agency shall identify and
22 make use of pro bono services in order to maximize available
23 services efficiently and economically. Recognizing that not all
24 indigent parties can be afforded representation, even when they
25 have meritorious cases, the court partner shall, as a corollary to
26 the services provided by the lead legal services agency, be
27 responsible for providing procedures, personnel, training, and case
28 management and administration practices that reflect best practices
29 to ensure unrepresented parties meaningful access to justice and
30 to guard against the involuntary waiver of rights, as well as to
31 encourage fair and expeditious voluntary dispute resolution,
32 consistent with principles of judicial neutrality.

33 (5) The participating projects shall be selected by a committee
34 appointed by the Judicial Council with representation from key
35 stakeholder groups, including judicial officers, legal services
36 providers, and others, as appropriate. The committee shall assess
37 the applicants' capacity for success, innovation, and efficiency,
38 including, but not limited to, the likelihood that the project would
39 deliver quality representation in an effective manner that would
40 meet critical needs in the community and address the needs of the

1 court with regard to access to justice and calendar management,
2 and the unique local unmet needs for representation in the
3 community. Projects approved pursuant to this section shall initially
4 be authorized for a three-year period, commencing July 1, 2011,
5 subject to renewal for a period to be determined by the Judicial
6 Council, in consultation with the participating project in light of
7 the project's capacity and success. After the initial three-year
8 period, the Judicial Council shall distribute any future funds
9 available as the result of the termination or nonrenewal of a project
10 pursuant to the process set forth in this subdivision. Projects shall
11 be selected on the basis of whether in the cases proposed for service
12 the persons to be assisted are likely to be opposed by a party who
13 is represented by counsel. The Judicial Council shall also consider
14 the following factors in selecting the projects:

15 (A) The likelihood that representation in the proposed case type
16 tends to affect whether a party prevails or otherwise obtains a
17 significantly more favorable outcome in a matter in which they
18 would otherwise frequently have judgment entered against them
19 or suffer the deprivation of the basic human need at issue.

20 (B) The likelihood of reducing the risk of erroneous decision.

21 (C) The nature and severity of potential consequences for the
22 unrepresented party regarding the basic human need at stake if
23 representation is not provided.

24 (D) Whether the provision of legal services may eliminate or
25 reduce the potential need for and cost of public social services
26 regarding the basic human need at stake for the client and others
27 in the client's household.

28 (E) The unmet need for legal services in the geographic area to
29 be served.

30 (F) The availability and effectiveness of other types of court
31 services, such as self-help.

32 (6) Each applicant shall do all of the following:

33 (A) Identify the nature of the partnership between the court, the
34 lead legal services agency, and the other agencies or other providers
35 that would work within the project.

36 (B) Describe the referral protocols to be used, the criteria that
37 would be employed in case assessment, why those cases were
38 selected, the manner to address conflicts without violating any
39 attorney-client privilege when adverse parties are seeking

1 representation through the project, and the means for serving
2 potential clients who need assistance with English.

3 (C) Describe how the project would be administered, including
4 how the data collection requirements would be met without causing
5 an undue burden on the courts, clients, or the providers, the
6 particular objectives of the project, strategies to evaluate their
7 success in meeting those objectives, and the means by which the
8 project would serve the particular needs of the community, such
9 as by providing representation to limited-English-speaking clients.

10 (7) To ensure the most effective use of the funding available,
11 the lead legal services agency shall serve as a hub for all referrals,
12 and the point at which decisions are made about which referrals
13 will be served and by whom. Referrals shall emanate from the
14 court, as well as from the other agencies providing services through
15 the program, and shall be directed to the lead legal services agency
16 for review. That agency, or another agency or attorney in the event
17 of conflict, shall collect the information necessary to assess whether
18 the case should be served. In performing that case assessment, the
19 agency shall determine the relative need for representation of the
20 litigant, including all of the following:

21 (A) Case complexity.

22 (B) Whether the other party is represented.

23 (C) The adversarial nature of the proceeding.

24 (D) The availability and effectiveness of other types of services,
25 such as self-help, in light of the potential client and the nature of
26 the case.

27 (E) Language issues.

28 (F) Disability access issues.

29 (G) Literacy issues.

30 (H) The merits of the case.

31 (I) The nature and severity of potential consequences for the
32 potential client if representation is not provided.

33 (J) Whether the provision of legal services may eliminate or
34 reduce the need ~~for~~ *for*, and cost ~~of~~ *of*, public social services for
35 the potential client and others in the potential client's household.

36 (8) If both parties to a dispute are financially eligible for
37 representation, each proposal shall ensure that representation for
38 both sides is evaluated. In these and other cases in which conflict
39 issues arise, the lead legal services agency shall have referral

1 protocols with other agencies and providers, such as a private
2 attorney panel, to address those conflicts.

3 (9) Each pilot project shall be responsible for keeping records
4 on the referrals accepted and those not accepted for representation,
5 and the reasons for each, in a manner that does not violate ~~any~~
6 privileged communications between the agency and the prospective
7 client. Each pilot project shall be provided with standardized data
8 collection tools, and required to track case information for each
9 referral to allow the evaluation to measure the number of cases
10 served, the level of service required, and the outcomes for the
11 clients in each case. In addition to this information on the effect
12 of the representation on the clients, data shall be collected regarding
13 the outcomes for the trial courts.

14 (10) A local advisory committee shall be formed for each pilot
15 project, to include representatives of the bench and court
16 administration, the lead legal services agency, and the other
17 agencies or providers that are part of the local project team. The
18 role of the advisory committee is to facilitate the administration
19 of the local pilot project, and to ensure that the project is fulfilling
20 its objectives. In addition, the committee shall resolve any issues
21 that arise during the course of the pilot project, including issues
22 concerning case eligibility, and recommend changes in project
23 administration in response to implementation challenges. The
24 committee shall meet at least monthly for the first six months of
25 the project, and no less than quarterly for the duration of the pilot
26 period. Each authorized pilot project shall catalog changes to the
27 program made during the three-year period based on its experiences
28 with best practices in serving the eligible population.

29 (c) The Judicial Council shall conduct a study to demonstrate
30 the effectiveness and continued need for the pilot program
31 established pursuant to this section and shall report its findings
32 and recommendations to the Governor and the Legislature on or
33 before January 31, 2016. The study shall report on the percentage
34 of funding by case type and shall include data on the impact of
35 counsel on equal access to justice and the effect on court
36 administration and efficiency, and enhanced coordination between
37 courts and other government service providers and community
38 resources. This report shall describe the benefits of providing
39 representation to those who were previously not represented, both
40 for the clients and the courts, as well as strategies and

1 recommendations for maximizing the benefit of that representation
2 in the future. The report shall describe and include data, if
3 available, on the impact of the pilot program on families and
4 children. The report also shall include an assessment of the
5 continuing unmet needs and, if available, data regarding those
6 unmet needs.

7 (d) This section shall not be construed to negate, alter, or limit
8 any right to counsel in a criminal or civil action or proceeding
9 otherwise provided by state or federal law.

10 ~~(e) The section shall become operative on July 1, 2011.~~

11 *SEC. 12. Section 70626 of the Government Code, as amended*
12 *by Section 45 of Chapter 41 of the Statutes of 2012, is amended*
13 *to read:*

14 70626. (a) The fee for each of the following services is
15 twenty-five dollars (\$25). Subject to subdivision (e), amounts
16 collected shall be distributed to the Trial Court Trust Fund under
17 Section 68085.1.

18 (1) Issuing a writ of attachment, a writ of mandate, a writ of
19 execution, a writ of sale, a writ of possession, a writ of prohibition,
20 or any other writ for the enforcement of any order or judgment.

21 (2) Issuing an abstract of judgment.

22 (3) Issuing a certificate of satisfaction of judgment under Section
23 724.100 of the Code of Civil Procedure.

24 (4) Certifying a copy of any paper, record, or proceeding on file
25 in the office of the clerk of any court.

26 (5) Taking an affidavit, except in criminal cases or adoption
27 proceedings.

28 (6) Acknowledgment of any deed or other instrument, including
29 the certificate.

30 (7) Recording or registering any license or certificate, or issuing
31 any certificate in connection with a license, required by law, for
32 which a charge is not otherwise prescribed.

33 (8) Issuing any certificate for which the fee is not otherwise
34 fixed.

35 (b) The fee for each of the following services is thirty dollars
36 (\$30). Subject to subdivision (e), amounts collected shall be
37 distributed to the Trial Court Trust Fund under Section 68085.1.

38 (1) Issuing an order of sale.

39 (2) Receiving and filing an abstract of judgment rendered by a
40 judge of another court and subsequent services based on it, unless

1 the abstract of judgment is filed under Section 704.750 or 708.160
2 of the Code of Civil Procedure.

3 (3) Filing a confession of judgment under Section 1134 of the
4 Code of Civil Procedure.

5 (4) Filing an application for renewal of judgment under Section
6 683.150 of the Code of Civil Procedure.

7 (5) Issuing a commission to take a deposition in another state
8 or place under Section 2026.010 of the Code of Civil Procedure,
9 or issuing a subpoena under Section 2029.300 to take a deposition
10 in this state for purposes of a proceeding pending in another
11 jurisdiction.

12 (6) Filing and entering an award under the Workers'
13 Compensation Law (Division 4 (commencing with Section 3200)
14 of the Labor Code).

15 (7) Filing an affidavit of publication of notice of dissolution of
16 partnership.

17 (8) Filing an appeal of a determination whether a dog is
18 potentially dangerous or vicious under Section 31622 of the Food
19 and Agricultural Code.

20 (9) Filing an affidavit under Section 13200 of the Probate Code,
21 together with the issuance of one certified copy of the affidavit
22 under Section 13202 of the Probate Code.

23 (10) Filing and indexing all papers for which a charge is not
24 elsewhere provided, other than papers filed in actions or special
25 proceedings, official bonds, or certificates of appointment.

26 (c) The fee for filing a first petition under Section 2029.600 or
27 2029.620 of the Code of Civil Procedure, if the petitioner is not a
28 party to the out-of-state case, is eighty dollars (\$80). Amounts
29 collected shall be distributed to the Trial Court Trust Fund pursuant
30 to Section 68085.1.

31 (d) The fee for delivering a will to the clerk of the superior court
32 in which the estate of a decedent may be administered, as required
33 by Section 8200 of the Probate Code, is fifty dollars (\$50).

34 (e) ~~From July 1, 2011, to June 30, 2017, inclusive, ten~~ *An*
35 *amount equivalent to ten* dollars (\$10) of each fee collected
36 pursuant to subdivisions (a) and (b) shall be used by the Judicial
37 Council for the expenses of the Judicial Council in implementing
38 and administering the civil representation pilot program under
39 Section 68651.

1 ~~(f) This section shall become inoperative on July 1, 2017, and,~~
2 ~~as of January 1, 2018, is repealed, unless a later enacted statute,~~
3 ~~that becomes operative on or before January 1, 2018, deletes or~~
4 ~~extends the dates on which it becomes inoperative and is repealed.~~

5 ~~SEC. 13. Section 70626 of the Government Code, as amended~~
6 ~~by Section 46 of Chapter 41 of the Statutes of 2012, is repealed.~~

7 ~~70626. (a) The fee for each of the following services is fifteen~~
8 ~~dollars (\$15). Amounts collected shall be distributed to the Trial~~
9 ~~Court Trust Fund under Section 68085.1.~~

10 ~~(1) Issuing a writ of attachment, a writ of mandate, a writ of~~
11 ~~execution, a writ of sale, a writ of possession, a writ of prohibition,~~
12 ~~or any other writ for the enforcement of any order or judgment.~~

13 ~~(2) Issuing an abstract of judgment.~~

14 ~~(3) Issuing a certificate of satisfaction of judgment under Section~~
15 ~~724.100 of the Code of Civil Procedure.~~

16 ~~(4) Certifying a copy of any paper, record, or proceeding on file~~
17 ~~in the office of the clerk of any court.~~

18 ~~(5) Taking an affidavit, except in criminal cases or adoption~~
19 ~~proceedings.~~

20 ~~(6) Acknowledgment of any deed or other instrument, including~~
21 ~~the certificate.~~

22 ~~(7) Recording or registering any license or certificate, or issuing~~
23 ~~any certificate in connection with a license, required by law, for~~
24 ~~which a charge is not otherwise prescribed.~~

25 ~~(8) Issuing any certificate for which the fee is not otherwise~~
26 ~~fixed.~~

27 ~~(b) The fee for each of the following services is twenty dollars~~
28 ~~(\$20). Amounts collected shall be distributed to the Trial Court~~
29 ~~Trust Fund under Section 68085.1.~~

30 ~~(1) Issuing an order of sale.~~

31 ~~(2) Receiving and filing an abstract of judgment rendered by a~~
32 ~~judge of another court and subsequent services based on it, unless~~
33 ~~the abstract of judgment is filed under Section 704.750 or 708.160~~
34 ~~of the Code of Civil Procedure.~~

35 ~~(3) Filing a confession of judgment under Section 1134 of the~~
36 ~~Code of Civil Procedure.~~

37 ~~(4) Filing an application for renewal of judgment under Section~~
38 ~~683.150 of the Code of Civil Procedure.~~

39 ~~(5) Issuing a commission to take a deposition in another state~~
40 ~~or place under Section 2026.010 of the Code of Civil Procedure,~~

1 or issuing a subpoena under Section 2029.300 to take a deposition
2 in this state for purposes of a proceeding pending in another
3 jurisdiction.

4 (6) Filing and entering an award under the Workers'
5 Compensation Law (Division 4 (commencing with Section 3200)
6 of the Labor Code).

7 (7) Filing an affidavit of publication of notice of dissolution of
8 partnership.

9 (8) Filing an appeal of a determination whether a dog is
10 potentially dangerous or vicious under Section 31622 of the Food
11 and Agricultural Code.

12 (9) Filing an affidavit under Section 13200 of the Probate Code,
13 together with the issuance of one certified copy of the affidavit
14 under Section 13202 of the Probate Code.

15 (10) Filing and indexing all papers for which a charge is not
16 elsewhere provided, other than papers filed in actions or special
17 proceedings, official bonds, or certificates of appointment.

18 (e) The fee for filing a first petition under Section 2029.600 or
19 2029.620 of the Code of Civil Procedure, if the petitioner is not a
20 party to the out-of-state case, is eighty dollars (\$80). Amounts
21 collected shall be distributed to the Trial Court Trust Fund pursuant
22 to Section 68085.1.

23 (d) The fee for delivering a will to the clerk of the superior court
24 in which the estate of a decedent may be administered, as required
25 by Section 8200 of the Probate Code, is fifty dollars (\$50).

26 (e) This section shall become operative on July 1, 2017.

27 *SEC. 14. The Legislature hereby finds and declares all of the*
28 *following:*

29 *(a) The courts provide various and diverse services to the public*
30 *that are necessary for the protection of the fundamental liberties*
31 *of our society.*

32 *(b) Court services are heavily subsidized by the General Fund.*
33 *If the total cost were passed on to the user, it would result in*
34 *prohibitively expensive fees for even minor transactions.*

35 *(c) Traditionally, funding for many court-administered programs*
36 *has been linked to the filing and processing of court documents.*

37 *(d) The linking of filing fees and the allocation of amounts*
38 *equivalent to specified percentages of those fees to various*
39 *programs provides an accounting mechanism, as a way to estimate*
40 *how much funding a program will receive and to direct that*

1 *funding, and is not intended to be indicative of the actual*
2 *distribution of the specific fees or the cost of the actual services*
3 *provided, for which General Fund moneys are largely used.*

4 SEC. 15. Section 320.6 of the Penal Code is amended to read:

5 320.6. (a) Notwithstanding Section 320.5, this section shall
6 apply to an eligible organization, as defined in subdivision (c).

7 (b) A raffle conducted by an eligible organization, as defined
8 in subdivision (c), for the purpose of directly supporting beneficial
9 or charitable purposes or financially supporting another private,
10 nonprofit eligible organization, as defined in subdivision (c) of
11 Section 320.5, that performs beneficial or charitable purposes may
12 be conducted in accordance with this section.

13 (c) For purposes of this section, “eligible organization” means
14 a private, nonprofit organization established by, or affiliated with,
15 a team from the Major League Baseball, National Hockey League,
16 National Basketball Association, National Football League,
17 Women’s National Basketball Association, or Major League
18 Soccer, or a private, nonprofit organization established by the
19 Professional Golfers’ Association of America, Ladies Professional
20 Golf Association, or National Association for Stock Car Auto
21 Racing that has been qualified to conduct business in California
22 for at least one year before conducting a raffle, is qualified for an
23 exemption under Section 501(c)(3) of the Internal Revenue Code,
24 and is exempt from taxation pursuant to Section 23701a, 23701b,
25 23701d, 23701e, 23701f, 23701g, 23701k, 23701l, 23701t, or
26 23701w of the Revenue and Taxation Code.

27 (d) For purposes of this section, “raffle” means a scheme for
28 the distribution of prizes by chance among persons who have paid
29 money for paper tickets that provide the opportunity to win these
30 prizes, in which all of the following are true:

31 (1) Each ticket sold contains a unique and matching identifier.

32 (2) (A) Winners of the prizes are determined by a manual draw
33 from tickets described in paragraph (1) that have been sold for
34 entry in the manual draw.

35 (B) An electronic device may be used to sell tickets. The ticket
36 receipt issued by the electronic device to the purchaser may include
37 more than one unique and matching identifier, representative of
38 and matched to the number of tickets purchased in a single
39 transaction.

1 (C) A random number generator is not used for the manual draw
2 or to sell tickets.

3 (D) The prize paid to the winner is comprised of one-half or 50
4 percent of the gross receipts generated from the sale of raffle tickets
5 for a raffle.

6 (3) The manual draw is conducted in California under the
7 supervision of a natural person who meets all of the following
8 requirements:

9 (A) The person is 18 years of age or older.

10 (B) The person is affiliated with the eligible organization
11 conducting the raffle.

12 (C) The person is registered with the Department of Justice
13 pursuant to paragraph (4) of subdivision (o).

14 (4) (A) Fifty percent of the gross receipts generated from the
15 sale of raffle tickets for any given manual draw are used by the
16 eligible organization conducting the raffle to benefit or provide
17 support for beneficial or charitable purposes, or used to benefit
18 another private, nonprofit organization, provided that an
19 organization receiving these funds is itself an eligible organization
20 as defined in subdivision (c) of Section 320.5. As used in this
21 section, “beneficial purposes” excludes purposes that are intended
22 to benefit officers, directors, or members, as defined by Section
23 5056 of the Corporations Code, of the eligible organization. Funds
24 raised by raffles conducted pursuant to this section shall not be
25 used to fund any beneficial, charitable, or other purpose outside
26 of California. This section does not preclude an eligible
27 organization from using funds from sources other than the sale of
28 raffle tickets to pay for the administration or other costs of
29 conducting a raffle.

30 (B) An employee of an eligible organization who is a direct
31 seller of raffle tickets shall not be treated as an employee for
32 purposes of workers’ compensation under Section 3351 of the
33 Labor Code if the following conditions are satisfied:

34 (i) Substantially all of the remuneration, whether or not paid in
35 cash, for the performance of the service of selling raffle tickets is
36 directly related to sales rather than to the number of hours worked.

37 (ii) The services performed by the person are performed pursuant
38 to a written contract between the seller and the eligible organization
39 and the contract provides that the person will not be treated as an

1 employee with respect to the selling of raffle tickets for workers'
2 compensation purposes.

3 (C) For purposes of this section, an employee selling raffle
4 tickets shall be deemed to be a direct seller as described in Section
5 650 of the Unemployment Insurance Code as long as he or she
6 meets the requirements of that section.

7 (e) A person who receives compensation in connection with the
8 operation of the raffle shall be an employee of the eligible
9 organization that is conducting the raffle, and in no event may
10 compensation be paid from revenues required to be dedicated to
11 beneficial or charitable purposes.

12 (f) A raffle ticket shall not be sold in exchange for Bitcoin or
13 any other cryptocurrency.

14 (g) A raffle otherwise permitted under this section shall not be
15 conducted by means of, or otherwise utilize, any gaming machine
16 that meets the definition of slot machine contained in Section 330a,
17 330b, or 330.1.

18 (h) (1) A raffle otherwise permitted under this section shall not
19 be conducted, nor may tickets for a raffle be sold, within an
20 operating satellite wagering facility or racetrack inclosure licensed
21 pursuant to the Horse Racing Law (Chapter 4 (commencing with
22 Section 19400) of Division 8 of the Business and Professions Code)
23 or within a gambling establishment licensed pursuant to the
24 Gambling Control Act (Chapter 5 (commencing with Section
25 19800) of Division 8 of the Business and Professions Code).

26 (2) A raffle shall not be operated or conducted in any manner
27 over the Internet, nor may raffle tickets be sold, traded, or redeemed
28 over the Internet. For purposes of this paragraph, an eligible
29 organization shall not be deemed to operate or conduct a raffle
30 over the Internet, or sell raffle tickets over the Internet, if the
31 eligible organization advertises its raffle on the Internet or permits
32 others to do so. Information that may be conveyed on an Internet
33 Web site pursuant to this paragraph includes, but is not limited to,
34 all of the following:

35 (A) Lists, descriptions, photographs, or videos of the raffle
36 prizes.

37 (B) Lists of the prize winners.

38 (C) The rules of the raffle.

39 (D) Frequently asked questions and their answers.

1 (E) Raffle entry forms, which may be downloaded from the
2 Internet Web site for manual completion by raffle ticket purchasers,
3 but shall not be submitted to the eligible organization through the
4 Internet.

5 (F) Raffle contact information, including the eligible
6 organization's name, address, telephone number, facsimile number,
7 or email address.

8 (i) An individual, corporation, partnership, or other legal entity
9 shall not hold a financial interest in the conduct of a raffle, except
10 the eligible organization that is itself authorized to conduct that
11 raffle, and any private, nonprofit, eligible organizations receiving
12 financial support from that charitable organization pursuant to
13 subdivisions (b) and (d).

14 (j) (1) An eligible organization may conduct a major league
15 sports raffle only at a home game.

16 (2) An eligible organization shall not conduct more than one
17 major league sports raffle per home game.

18 (k) An employee shall not sell raffle tickets in any seating area
19 designated as a family section.

20 (l) An eligible organization shall disclose to all ticket purchasers
21 the designated private, nonprofit, eligible organization for which
22 the raffle is being conducted.

23 (m) An eligible organization that conducts a raffle to financially
24 support another private, nonprofit eligible organization, as defined
25 in subdivision (c) of Section 320.5, shall distribute all proceeds
26 not paid out to the winners of the prizes to the private, nonprofit
27 organization within 15 days of conducting the raffle, in accordance
28 with this section.

29 (n) Any raffle prize remaining unclaimed by a winner at the end
30 of the season for a team with an affiliated eligible organization
31 that conducted a raffle to financially support another private,
32 nonprofit eligible organization, as defined in subdivision (c) of
33 Section 320.5, shall be donated within 30 days from the end of the
34 season by the eligible organization to the designated private,
35 nonprofit organization for which the raffle was conducted.

36 (o) (1) (A) An eligible organization shall not conduct a raffle
37 authorized under this section, unless it has a valid registration
38 issued by the Department of Justice. The department shall furnish
39 a registration form via the Internet or upon request to eligible
40 nonprofit organizations. The department shall, by regulation, collect

1 only the information necessary to carry out the provisions of this
2 section on this form. This information shall include, but is not
3 limited to, the following:

4 (i) The name and address of the eligible organization.

5 (ii) The federal tax identification number, the corporate number
6 issued by the Secretary of State, the organization number issued
7 by the Franchise Tax Board, or the California charitable trust
8 identification number of the eligible organization.

9 (iii) The name and title of a responsible fiduciary of the
10 organization.

11 (B) (i) The department may require an eligible organization to
12 pay a minimum annual registration fee of five thousand dollars
13 (\$5,000) to cover the reasonable costs of the department to
14 administer and enforce this section.

15 (ii) An eligible organization shall pay, in addition to the annual
16 registration application fee, one hundred dollars (\$100) for every
17 individual raffle conducted at an eligible location to cover the
18 reasonable costs of the department to administer and enforce this
19 section. This fee shall be submitted in conjunction with the annual
20 registration form.

21 (2) (A) A manufacturer or distributor of raffle-related products
22 or services shall not conduct business with an eligible organization
23 for purposes of conducting a raffle pursuant to this section unless
24 the manufacturer or distributor has a valid annual registration
25 issued by the department.

26 (B) The department may require a manufacturer or distributor
27 of raffle-related products or services to pay a minimum annual
28 registration fee of five thousand dollars (\$5,000) to cover the
29 reasonable costs of the department to administer and enforce this
30 section.

31 (3) An eligible organization shall register the equipment used
32 in the sale and distribution of raffle tickets, and shall have the
33 equipment tested by an independent gaming testing lab.

34 (4) (A) A person affiliated with an eligible organization who
35 conducts the manual draw shall annually register with the
36 department.

37 (B) The department may require a person affiliated with an
38 eligible organization who conducts the manual draw to pay a
39 minimum annual registration fee of ten dollars (\$10) to cover the

1 reasonable costs of the department to administer and enforce this
2 section.

3 (5) (A) The department may, by regulation, adjust the annual
4 registration fees described in this section as needed to ensure that
5 revenues will fully offset, but not exceed, the reasonable costs
6 incurred by the department pursuant to this section. The fees shall
7 be deposited by the department into the ~~General Fund~~. *Major*
8 *League Sporting Event Raffle Fund, which is hereby created in*
9 *the State Treasury.*

10 (B) *A loan is hereby authorized from the General Fund to the*
11 *Major League Sporting Event Raffle Fund on or after July 1, 2016,*
12 *in an amount of up to one million five thousand dollars*
13 *(\$1,005,000) to address department workload related to the initial*
14 *implementation activities relating to this section by the*
15 *department's Indian and Gaming Law Section. The terms and*
16 *conditions of the loan shall first be approved by the Department*
17 *of Finance pursuant to appropriate fiscal standards. The loan*
18 *shall be subject to all of the following conditions:*

19 (i) *Of the total amount loaned, no more than three hundred*
20 *thirty-five thousand dollars (\$335,000) shall be provided annually*
21 *to the department.*

22 (ii) *The loan shall be repaid to the General Fund as soon as*
23 *there is sufficient money in the Major League Sporting Event Raffle*
24 *Fund to repay the loan, but no later than December 31, 2018.*

25 (iii) *Interest on the loan shall be paid from the Major League*
26 *Sporting Event Raffle Fund at the rate accruing to moneys in the*
27 *Pooled Money Investment Account.*

28 (6) The department shall receive moneys for the costs incurred
29 pursuant to this section subject to an appropriation by the
30 Legislature.

31 (7) The department shall adopt, on or before June 1, 2016,
32 regulations necessary to effectuate this section, including
33 emergency regulations, pursuant to the Administrative Procedure
34 Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of
35 Division 3 of Title 2 of the Government Code).

36 (8) The department shall maintain an automated database of all
37 registrants.

38 (9) A local law enforcement agency shall notify the department
39 of any arrests or investigation that may result in an administrative
40 or criminal action against a registrant.

1 (10) The department may investigate all suspected violations
2 of this section or any regulation adopted pursuant to this section,
3 or any activity that the registrant has engaged in that is not in the
4 best interests of the public's health, safety, or general welfare as
5 it pertains to charitable raffles.

6 (11) The department may audit the records and other documents
7 of a registrant to ensure compliance with this section, and may
8 charge a registrant the direct costs associated with an audit
9 conducted pursuant to this paragraph.

10 (12) (A) Once registered, an eligible organization shall file
11 annually thereafter with the department a report that includes all
12 of the following information for each of the eligible organization's
13 last three fiscal years:

14 (i) The aggregate gross receipts from the operation of raffles.

15 (ii) The aggregate direct costs incurred by the eligible
16 organization from the operation of raffles.

17 (iii) The charitable or beneficial purposes for which proceeds
18 of the raffles were used.

19 (iv) The aggregate distributions of proceeds from the operation
20 of raffles made to directly support beneficial or charitable purposes,
21 other than beneficial or charitable purposes undertaken by the
22 eligible organization, or eligible recipient organizations, under
23 subdivision (c) of Section 320.5.

24 (v) The aggregate distributions of proceeds from the operation
25 of raffles made to raffle winners.

26 (vi) The aggregate distributions of proceeds from the operation
27 of raffles made to any other organizations, or for any other
28 purposes, other than those included in clauses (ii), (iv), and (v).

29 (vii) A schedule of distributions of proceeds from the operation
30 of raffles, by individual raffle, made to eligible recipient
31 organizations under subdivision (c) of Section 320.5 that are not
32 affiliated with the eligible organization.

33 (viii) A schedule of distributions of proceeds from the operation
34 of raffles, by individual raffle, made to eligible recipient
35 organizations under subdivision (c) of Section 320.5 that are
36 affiliated with the eligible organization.

37 (ix) A schedule of distributions of proceeds from the operation
38 of raffles, by individual raffle, made to any other organization not
39 included under clause (vii) or (viii), or for beneficial or charitable
40 purposes undertaken by the eligible organization.

1 (x) The aggregate gross receipts from activities other than the
2 operation of raffles.

3 (xi) The aggregate costs incurred by the eligible organization
4 from activities other than the operation of raffles.

5 (xii) The aggregate distributions of funds other than proceeds
6 from the operation of raffles made to directly support beneficial
7 or charitable purposes or eligible recipient organizations under
8 subdivision (c) of Section 320.5.

9 (xiii) The aggregate distributions of funds other than proceeds
10 from the operation of raffles for purposes other than those listed
11 in clauses (xi) and (xii).

12 (xiv) A schedule of distributions of funds other than proceeds
13 from the operation of raffles made to eligible recipient
14 organizations under subdivision (c) of Section 320.5 that are not
15 affiliated with the eligible organization.

16 (xv) A schedule of distributions of funds other than proceeds
17 from the operation of raffles made to any other organization not
18 included under clause (xiv), or for beneficial or charitable purposes
19 undertaken by the eligible organization.

20 (B) Failure to submit the annual report to the department as
21 required in this paragraph shall be grounds for denial of an annual
22 registration.

23 (C) The department shall make the reports required by this
24 paragraph available to the public via the online search portal of
25 the Attorney General's Registry of Charitable Trusts maintained
26 pursuant to Section 12584 of the Government Code.

27 (13) The department shall annually furnish to registrants a form
28 to collect this information.

29 (p) The department may take legal action against a registrant if
30 it determines that the registrant has violated this section or a
31 regulation adopted pursuant to this section, or that the registrant
32 has engaged in any conduct that is not in the best interests of the
33 public's health, safety, or general welfare. An action taken pursuant
34 to this subdivision does not prohibit the commencement of an
35 administrative or criminal action by the Attorney General, a district
36 attorney, city attorney, or county counsel.

37 (q) An action and hearing conducted to deny, revoke, or suspend
38 a registry, or other administrative action taken against a registrant,
39 shall be conducted pursuant to the Administrative Procedure Act
40 (Chapters 4.5 (commencing with Section 11400) and 5

(commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code). The department may seek civil remedies, including imposing fines, for violations of this section, and may seek recovery of the costs incurred in investigating or prosecuting an action against a registrant or applicant in accordance with those procedures specified in Section 125.3 of the Business and Professions Code. A proceeding conducted under this subdivision is subject to judicial review pursuant to Section 1094.5 of the Code of Civil Procedure. A violation of this section shall not constitute a crime.

(r) This section shall remain in effect only until December 31, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before December 31, 2018, deletes or extends that date.

SEC. 16. Chapter 2.92 (commencing with Section 1001.85) is added to Title 6 of Part 2 of the Penal Code, to read:

*CHAPTER 2.92. LAW ENFORCEMENT ASSISTED DIVERSION
(LEAD) PILOT PROGRAM*

1001.85. (a) The Law Enforcement Assisted Diversion (LEAD) pilot program is hereby established. The purpose of the LEAD program is to improve public safety and reduce recidivism by increasing the availability and use of social service resources while reducing costs to law enforcement agencies and courts stemming from repeated incarceration.

(b) LEAD pilot programs shall be consistent with the following principles, implemented to address and reflect the priorities of the community in which the program exists:

(1) Providing intensive case management services and an individually tailored intervention plan that acts as a blueprint for assisting LEAD participants.

(2) Prioritizing temporary and permanent housing that includes individualized supportive services, without preconditions of drug or alcohol treatment or abstinence from drugs or alcohol.

(3) Employing human and social service resources in coordination with law enforcement in a manner that improves individual outcomes and community safety, and promotes community wellness.

1 (4) *Participation in LEAD services shall be voluntary throughout*
2 *the duration of the program and shall not require abstinence from*
3 *drug or alcohol use as a condition of continued participation.*

4 1001.86. (a) *The LEAD program shall be administered by the*
5 *Board of State and Community Corrections.*

6 (b) *The board shall award grants, on a competitive basis, to up*
7 *to three jurisdictions as authorized by this chapter. The board*
8 *shall establish minimum standards, funding schedules, and*
9 *procedures for awarding grants, which shall take into*
10 *consideration, but not be limited to, all of the following:*

11 (1) *Information from the applicant demonstrating a clear*
12 *understanding of the program's purpose and the applicant's*
13 *willingness and ability to implement the LEAD program as*
14 *described in this chapter.*

15 (2) *Key local partners who would be committed to, and involved*
16 *in, the development and successful implementation of a LEAD*
17 *program, including, but not limited to, balanced representation*
18 *from law enforcement agencies, prosecutorial agencies, public*
19 *defenders and defense counsel, public health and social services*
20 *agencies, case management service providers, and any other*
21 *entities identified by the applicant as integral to the successful*
22 *implementation of a LEAD program in the jurisdiction.*

23 (3) *The jurisdiction's capacity and commitment to coordinate*
24 *social services, law enforcement efforts, and justice system*
25 *decisionmaking processes, and to work to ensure that the*
26 *discretionary decisions made by each participant in the*
27 *administration of the program operates in a manner consistent*
28 *with the purposes of this chapter.*

29 (c) *Successful grant applicants shall collect and maintain data*
30 *pertaining to the effectiveness of the program as indicated by the*
31 *board in the request for proposals.*

32 1001.87. (a) *LEAD programs funded pursuant to this chapter*
33 *shall consist of a strategy of effective intervention for eligible*
34 *participants consistent with the following gateways to services:*

35 (1) *Prebooking referral. As an alternative to arrest, a law*
36 *enforcement officer may take or refer a person for whom the officer*
37 *has probable cause for arrest for any of the offenses in subdivision*

38 *(b) to a case manager to be screened for immediate crisis services*
39 *and to schedule a complete assessment intake interview.*

40 *Participation in LEAD diversion shall be voluntary, and the person*

1 may decline to participate in the program at any time. Criminal
2 charges based on the conduct for which a person is diverted to
3 LEAD shall not be filed, provided that the person finishes the
4 complete assessment intake interview within a period set by the
5 local jurisdictional partners, but not to exceed 30 days after the
6 referral.

7 (2) Social contact referral. A law enforcement officer may refer
8 an individual to LEAD whom he or she believes is at high risk of
9 arrest in the future for any of the crimes specified in subdivision
10 (b), provided that the individual meets the criteria specified in this
11 paragraph and expresses interest in voluntarily participating in
12 the program. LEAD may accept these referrals if the program has
13 capacity after responding to prebooking diversion referrals
14 described in paragraph (1). All social contact referrals to LEAD
15 shall meet the following criteria:

16 (A) Verification by law enforcement that the individual has had
17 prior involvement with low-level drug activity or prostitution.
18 Verification shall consist of any of the following:

19 (i) Criminal history records, including, but not limited to, prior
20 police reports, arrests, jail bookings, criminal charges, or
21 convictions indicating that he or she was engaged in low-level
22 drug or prostitution activity.

23 (ii) Law enforcement has directly observed the individual's
24 low-level drug or prostitution activity on prior occasions.

25 (iii) Law enforcement has a reliable basis of information to
26 believe that the individual is engaged in low-level drug or
27 prostitution activity, including, but not limited to, information
28 provided by another first responder, a professional, or a credible
29 community member.

30 (B) The individual's prior involvement with low-level drug or
31 prostitution activity occurred within the LEAD pilot program area.

32 (C) The individual's prior involvement with low-level drug or
33 prostitution activity occurred within 24 months of the date of
34 referral.

35 (D) The individual does not have a pending case in drug court
36 or mental health court.

37 (E) The individual is not prohibited, by means of an existing
38 no-contact order, temporary restraining order, or antiharassment
39 order, from making contact with a current LEAD participant.

1 ***(b) The following offenses are eligible for either prebooking***
2 ***diversion, social contact referral, or both:***

3 ***(1) Possession for sale or transfer of a controlled substance or***
4 ***other prohibited substance where the circumstances indicate that***
5 ***the sale or transfer is intended to provide a subsistence living or***
6 ***to allow the person to obtain or afford drugs for his or her own***
7 ***consumption.***

8 ***(2) Sale or transfer of a controlled substance or other prohibited***
9 ***substance where the circumstances indicate that the sale or transfer***
10 ***is intended to provide a subsistence living or to allow the person***
11 ***to obtain or afford drugs for his or her own consumption.***

12 ***(3) Possession of a controlled substance or other prohibited***
13 ***substance.***

14 ***(4) Being under the influence of a controlled substance or other***
15 ***prohibited substance.***

16 ***(5) Being under the influence of alcohol and a controlled***
17 ***substance or other prohibited substance.***

18 ***(6) Prostitution pursuant to subdivision (b) of Section 647.***

19 ***1001.88. (a) Services provided pursuant to this chapter may***
20 ***include, but are not limited to, case management, housing, medical***
21 ***care, mental health care, treatment for alcohol or substance use***
22 ***disorders, nutritional counseling and treatment, psychological***
23 ***counseling, employment, employment training and education, civil***
24 ***legal services, and system navigation. Grant funding may be used***
25 ***to support any of the following:***

26 ***(1) Project management and community engagement.***

27 ***(2) Temporary services and treatment necessary to stabilize a***
28 ***participant's condition, including necessary housing.***

29 ***(3) Outreach and direct service costs for services described in***
30 ***this section.***

31 ***(4) Civil legal services for LEAD participants.***

32 ***(5) Dedicated prosecutorial resources, including for***
33 ***coordinating any nondiverted criminal cases of LEAD participants.***

34 ***(6) Dedicated law enforcement resources, including for overtime***
35 ***required for participation in operational meetings and training.***

36 ***(7) Training and technical assistance from experts in the***
37 ***implementation of LEAD in other jurisdictions.***

38 ***(8) Collecting and maintaining the data necessary for program***
39 ***evaluation.***

(b) (1) The board shall contract with a nonprofit research entity, university, or college to evaluate the effectiveness of the LEAD program. The evaluation design shall include measures to assess the cost-benefit outcomes of LEAD programs compared to booking and prosecution, and may include evaluation elements such as comparing outcomes for LEAD participants to similarly situated offenders who are arrested and booked, the number of jail bookings, total number of jail days, the prison incarceration rate, subsequent felony and misdemeanor arrests or convictions, and costs to the criminal justice and court systems. Savings will be compared to costs of LEAD participation. By January 1, 2020, a report of the findings shall be submitted to the Governor and the Legislature pursuant to Section 9795 of the Government Code.

(2) The requirement for submitting a report pursuant to this subdivision is inoperative on January 1, 2024, pursuant to Section 10231.5 of the Government Code.

(c) The board may contract with experts in the implementation of LEAD in other jurisdictions for the purpose of providing technical assistance to participating jurisdictions.

(d) The sum of fifteen million dollars (\$15,000,000) is hereby appropriated from the General Fund for the LEAD pilot program authorized in this chapter. The board may spend up to five hundred fifty thousand dollars (\$550,000) of the amount appropriated in this subdivision for the contracts authorized in subdivisions (b) and (c).

SEC. 17. Section 2694.5 is added to the Penal Code, to read:

2694.5. (a) The Department of Corrections and Rehabilitation, under the oversight of the Undersecretary of Health Care Services, shall establish a three-year pilot program at one or more institutions that will provide a medically assisted substance use disorder treatment model for treatment of inmates with a history of substance use problems. The program shall offer a continuum of evidenced-based care that is designed to meet the needs of the persons being served and that is appropriate for a correctional setting. In establishing the program, the department shall consider all of the following:

(1) Access to services during an inmate's enrollment in the pilot program.

(2) Access to subacute detoxification and medical detoxification, as necessary.

1 (3) *Comprehensive pretreatment and posttreatment assessments.*

2 (4) *Ongoing evaluation of an inmate's program needs and*
3 *progress at least every 90 days, and appropriate adjustment of*
4 *treatment based on that evaluation.*

5 (5) *Services provided by professionals for whom substance use*
6 *disorder treatment is within the scope of their practice.*

7 (6) *Referrals for medically assisted care and prescription of*
8 *medication-assisted treatment.*

9 (7) *Provision of behavioral health services, including the*
10 *capacity to treat cooccurring mental illness.*

11 (8) *Access to medication-assisted treatment throughout the*
12 *period of incarceration up to and including immediately prior to*
13 *release.*

14 (9) *Linkages to community-based treatment upon parole.*

15 (b) (1) *The department shall report to the fiscal and appropriate*
16 *policy committees of the Legislature on March 1, 2017, and each*
17 *March 1 thereafter during the tenure of the pilot project. The report*
18 *shall include all of the following elements:*

19 (A) *The planned inmate capacity of the program.*

20 (B) *The number of persons enrolled in the program.*

21 (C) *The number of persons who leave the treatment program*
22 *against medical advice and the number of persons who are*
23 *discharged from the program prior to achieving their treatment*
24 *goals.*

25 (D) *The percentage of participants with negative urine*
26 *toxicology screens for illicit substances during treatment and*
27 *post-treatment while incarcerated.*

28 (E) *The number of persons who are successfully linked to*
29 *postrelease treatment.*

30 (2) (A) *The requirement for submitting a report imposed under*
31 *this subdivision is inoperative on March 1, 2025, pursuant to*
32 *Section 10231.5 of the Government Code.*

33 (B) *A report to be submitted pursuant to this subdivision shall*
34 *be submitted in compliance with Section 9795 of the Government*
35 *Code.*

36 SEC. 18. *Section 2910 of the Penal Code, as amended by*
37 *Section 13 of Chapter 310 of the Statutes of 2013, is amended to*
38 *read:*

39 2910. (a) *The Secretary of the Department of Corrections and*
40 *Rehabilitation may enter into an agreement with a city, county, or*

1 city and county to permit transfer of prisoners in the custody of
2 the secretary to a jail or other adult correctional facility of the city,
3 county, or city and county, if the sheriff or corresponding official
4 having jurisdiction over the facility has consented thereto. The
5 agreement shall provide for contributions to the city, county, or
6 city and county toward payment of costs incurred with reference
7 to such transferred prisoners.

8 (b) For purposes of this section, a transfer of prisoners under
9 subdivision (a) may include inmates who have been sentenced to
10 the department but remain housed in a county jail. These prisoners
11 shall be under the sole legal custody and jurisdiction of the sheriff
12 or corresponding official having jurisdiction over the facility and
13 shall not be under the legal custody or jurisdiction of the
14 Department of Corrections and Rehabilitation.

15 (c) Notwithstanding any other law, for purposes of entering into
16 agreements under subdivision (a), any process, regulation,
17 requirement, including any state governmental reviews or
18 approvals, or third-party approval that is required under, or
19 implemented pursuant to, any statute that relates to entering into
20 those agreements is hereby waived.

21 (d) When an agreement entered into pursuant to subdivision (a)
22 or (c) is in effect with respect to a particular local facility, the
23 secretary may transfer prisoners whose terms of imprisonment
24 have been fixed and parole violators to the facility.

25 (e) Prisoners so transferred to a local facility may, with notice
26 to the secretary, participate in programs of the facility, including,
27 but not limited to, work furlough rehabilitation programs.

28 (f) The secretary, to the extent possible, shall select city, county,
29 or city and county facilities in areas where medical, food, and other
30 support services are available from nearby existing prison facilities.

31 (g) The secretary, with the approval of the Department of
32 General Services, may enter into an agreement to lease state
33 property for a period not in excess of 20 years to be used as the
34 site for a facility operated by a city, county, or city and county
35 authorized by this section.

36 (h) This section shall remain in effect only until January 1, ~~2017~~,
37 2020, and as of that date is repealed, unless a later enacted statute,
38 that is enacted before January 1, ~~2017~~, 2020, deletes or extends
39 that date.

1 *SEC. 19. Section 2910 of the Penal Code, as added by Section*
2 *14 of Chapter 310 of the Statutes of 2013, is amended to read:*

3 2910. (a) The Secretary of the Department of Corrections and
4 Rehabilitation may enter into an agreement with a city, county, or
5 city and county to permit transfer of prisoners in the custody of
6 the secretary to a jail or other adult correctional facility of the city,
7 county, or city and county, if the sheriff or corresponding official
8 having jurisdiction over the facility has consented thereto. The
9 agreement shall provide for contributions to the city, county, or
10 city and county toward payment of costs incurred with reference
11 to such transferred prisoners.

12 (b) When an agreement entered into pursuant to subdivision (a)
13 is in effect with respect to a particular local facility, the secretary
14 may transfer prisoners whose terms of imprisonment have been
15 fixed and parole violators to the facility.

16 (c) Prisoners so transferred to a local facility may, with approval
17 of the secretary, participate in programs of the facility, including,
18 but not limited to, work furlough rehabilitation programs.

19 (d) Prisoners transferred to such facilities are subject to the rules
20 and regulations of the facility in which they are confined, but
21 remain under the legal custody of the Department of Corrections
22 and Rehabilitation and shall be subject at any time, pursuant to the
23 rules and regulations of the secretary, to be detained in the county
24 jail upon the exercise of a state parole or correctional officer's
25 peace officer powers, as specified in Section 830.5, with the
26 consent of the sheriff or corresponding official having jurisdiction
27 over the facility.

28 (e) The secretary, to the extent possible, shall select city, county,
29 or city and county facilities in areas where medical, food, and other
30 support services are available from nearby existing prison facilities.

31 (f) The secretary, with the approval of the Department of
32 General Services, may enter into an agreement to lease state
33 property for a period not in excess of 20 years to be used as the
34 site for a facility operated by a city, county, or city and county
35 authorized by this section.

36 (g) An agreement shall not be entered into under this section
37 unless the cost per inmate in the facility is no greater than the
38 average costs of keeping an inmate in a comparable facility of the
39 department, as determined by the secretary.

(h) This section shall become operative on January 1, ~~2017~~, 2020.

SEC. 20. Section 2915 of the Penal Code is amended to read:

2915. (a) The Secretary of the Department of Corrections and Rehabilitation may enter into one or more agreements to obtain secure housing capacity within the state. These agreements may be entered into with private entities and may be in the form of a lease or an operating agreement. The secretary may procure and enter these agreements on terms and conditions he or she deems necessary and appropriate. Notwithstanding any other law, any process, regulation, requirement, including any state governmental reviews or approvals, or third-party approval that is required under statutes that relate to the procurement and implementation of those agreements is hereby waived, however, no agreement shall contain terms, either directly or indirectly, that involve the repayment of any debt issuance or other financing and, consistent with state law, shall provide that payment of that agreement is subject to appropriation.

(b) The Secretary of the Department of Corrections and Rehabilitation may enter into one or more agreements to obtain secure housing capacity in another state. These agreements may be entered into with private entities and may be in the form of an operating agreement or other contract. The secretary may procure and enter these agreements on terms and conditions he or she deems necessary and appropriate. Notwithstanding any other law, any process, regulation, requirement, including any state governmental reviews or approvals, or third-party approval that is required under statutes that relate to the procurement and implementation of those agreements is hereby waived, however, no agreement shall contain terms, either directly or indirectly, that involve the repayment of any debt issuance or other financing and, consistent with state law, shall provide that payment of that agreement is subject to appropriation. This subdivision does not authorize the department to operate a facility out of state.

(c) The provisions of Division 13 (commencing with Section 21000) of the Public Resources Code do not apply to this section.

(d) This section shall remain in effect only until January 1, ~~2017~~, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, ~~2017~~, 2020, deletes or extends that date.

1 *SEC. 21. Section 5027 is added to the Penal Code, to read:*

2 *5027. (a) Upon appropriation by the Legislature in the annual*
3 *Budget Act, the Department of Corrections and Rehabilitation*
4 *shall award funding for an innovative grant program to*
5 *not-for-profit organizations to replicate their programs at*
6 *institutions that the Director of the Division of Rehabilitative*
7 *Programs has determined are underserved by volunteer and*
8 *not-for-profit organizations. The director shall develop a formula*
9 *for identifying target institutions based upon factors including,*
10 *but not limited to, number of volunteers, number of inmates,*
11 *number of volunteer-based programs, and the size of waiting lists*
12 *for inmates wanting to participate in programs.*

13 *(b) Grant funding shall be provided to not-for-profit*
14 *organizations wishing to expand programs that they are currently*
15 *providing in other California state prisons that have demonstrated*
16 *success and focus on offender responsibility and restorative justice*
17 *principles. The grants shall be awarded for a three-year period*
18 *and are designed to be one time in nature. The grants shall go to*
19 *programs that demonstrate that they will become self-sufficient or*
20 *will be funded in the long term by donations or another source of*
21 *ongoing funding. All funding shall go directly to the not-for-profit*
22 *organizations and shall not be used for custody staff or*
23 *administration of the grant. Any unspent funds shall revert to the*
24 *fund source authorized for this purpose at the end of three years.*

25 *(c) On or before January 1 of each year, the department shall*
26 *report to the budget committees and public safety committees in*
27 *both houses of the Legislature on the following information from*
28 *the previous fiscal year's grants:*

- 29 *(1) The number of grants provided.*
30 *(2) The institutions receiving grants.*
31 *(3) A description of each program and level of funding provided,*
32 *organized by institution.*
33 *(4) The start date of each program.*
34 *(5) Any feedback from inmates participating in the programs*
35 *on the value of the programs.*
36 *(6) Any feedback from the program providers on their*
37 *experience with each institution.*
38 *(7) The number of participants participating in each program.*
39 *(8) The number of participants completing each program.*
40 *(9) Waiting lists, if any, for each program.*

1 *SEC. 22. Section 5032 of the Penal Code is repealed.*

2 ~~5032. The department, as directed by the Department of~~
3 ~~Finance, shall work with the appropriate budget and policy~~
4 ~~committees of the Legislature and the Legislative Analyst's Office~~
5 ~~to establish appropriate oversight, evaluation, and accountability~~
6 ~~measures that shall be adopted as part of their "future of corrections~~
7 ~~plan." This shall include a periodic review, conducted by the~~
8 ~~Department of Finance's Office of State Audits and Evaluations;~~
9 ~~that assesses the fiscal benchmarks of the plan. The Office of State~~
10 ~~Audits and Evaluations shall report to the Governor and the~~
11 ~~Legislature on its findings and recommendations annually with~~
12 ~~the first report submitted by April 1, 2013. Reports to the~~
13 ~~Legislature shall be submitted in compliance with Section 9795~~
14 ~~of the Government Code.~~

15 *SEC. 23. Section 5075 of the Penal Code is amended to read:*

16 5075. (a) Commencing July 1, 2005, there is hereby created
17 the Board of Parole Hearings. As of July 1, 2005, any reference
18 to the Board of Prison Terms in this or any other code refers to the
19 Board of Parole Hearings. As of that date, the Board of Prison
20 Terms is abolished.

21 (b) The Governor shall appoint ~~17~~ 14 commissioners, subject
22 to Senate confirmation, pursuant to this section. ~~Of those 17~~
23 ~~commissioners, 12~~ *These commissioners* shall be appointed and
24 trained to hear only adult matters, ~~and five shall be appointed and~~
25 ~~trained to hear only juvenile matters.~~ The terms of the
26 commissioners shall expire as follows: eight on July 1, 2007, and
27 nine on July 1, 2008. Successor commissioners shall hold office
28 for terms of three years, each term to commence on the expiration
29 date of the predecessor. Any appointment to a vacancy that occurs
30 for any reason other than expiration of the term shall be for the
31 remainder of the unexpired term. Commissioners are eligible for
32 reappointment. The selection of persons and their appointment by
33 the Governor and confirmation by the Senate shall reflect as nearly
34 as possible a cross section of the racial, sexual, economic, and
35 geographic features of the population of the state.

36 (c) The chair of the board shall be designated by the Governor
37 periodically. The Governor may appoint an executive officer of
38 the board, subject to Senate confirmation, who shall hold office
39 at the pleasure of the Governor. The executive officer shall be the
40 administrative head of the board and shall exercise all duties and

1 functions necessary to insure that the responsibilities of the board
2 are successfully discharged. The secretary shall be the appointing
3 authority for all civil service positions of employment with the
4 board.

5 (d) Each commissioner shall participate in hearings on each
6 workday, except when it is necessary for a commissioner to attend
7 training, en banc hearings or full board meetings, or other
8 administrative business requiring the participation of the
9 commissioner. For purposes of this subdivision, these hearings
10 shall include parole consideration hearings, parole rescission
11 hearings, and parole progress hearings.

12 *SEC. 24. Section 5075.1 of the Penal Code is amended to read:*

13 5075.1. The Board of Parole Hearings shall do all of the
14 following:

15 (a) Conduct parole consideration hearings, parole rescission
16 hearings, and parole progress hearings for adults and juveniles
17 under the jurisdiction of the department.

18 (b) Conduct mentally disordered offender hearings.

19 (c) Conduct sexually violent predator hearings.

20 (d) Review inmates' requests for reconsideration of denial of
21 good-time credit and setting of parole length or conditions, pursuant
22 to Section 5077.

23 (e) Determine revocation of parole for adult offenders under
24 the jurisdiction of the Division of Adult Parole Operations, pursuant
25 to Section 5077.

26 ~~(f) Carry out the functions described in Section 1719 of the~~
27 ~~Welfare and Institutions Code, and make every order granting and~~
28 ~~revoking parole and issuing final discharges to any person under~~
29 ~~the jurisdiction of the Department of Corrections and~~
30 ~~Rehabilitation.~~

31 ~~(g)~~

32 (f) Conduct studies pursuant to Section 3150 of the Welfare and
33 Institutions Code.

34 ~~(h)~~

35 (g) Investigate and report on all applications for reprieves,
36 pardons, and commutation of sentence, as provided in Title 6
37 (commencing with Section 4800) of Part 3.

38 ~~(i)~~

39 (h) Exercise other powers and duties as prescribed by law.

40 ~~(j)~~

(i) Effective January 1, 2007, all commissioners appointed and trained to hear juvenile parole matters, together with their duties prescribed by law as functions of the Board of Parole Hearings concerning wards under the jurisdiction of the Department of Corrections and Rehabilitation, are transferred to the Director of the Division of Juvenile Justice. All applicable regulations in effect at the time of transfer shall be deemed to apply to those commissioners until new regulations are adopted.

SEC. 25. Section 5075.6 of the Penal Code is amended to read:

~~5075.6. (a) (1) Commissioners and deputy commissioners hearing matters pursuant to subdivision (f) of Section 5075.1, or any other matter involving wards under the jurisdiction of the Division of Juvenile Facilities, shall have a broad background in, and ability for, appraisal of youthful law offenders and delinquents; the circumstances of delinquency for which those persons are committed, and the evaluation of an individual's progress toward reformation. Insofar as practicable, commissioners and deputy commissioners selected to hear these matters also shall have a varied and sympathetic interest in youth correction work and shall have experience or education in the fields of corrections, sociology, law, law enforcement, mental health, medicine, drug treatment, or education.~~

~~(2) Within 60 days of appointment and annually thereafter, commissioners and deputy commissioners described in subdivision (a) shall undergo a minimum of 40 hours of training in the following areas:~~

~~(A) Treatment and training programs provided to wards at Department of Corrections and Rehabilitation institutions, including, but not limited to, educational, vocational, mental health, medical, substance abuse, psychotherapeutic counseling, and sex offender treatment programs.~~

~~(B) Current national research on effective interventions with juvenile offenders and how they compare to department program and treatment services.~~

~~(C) Parole Services.~~

~~(D) Commissioner duties and responsibilities.~~

~~(E) Knowledge of laws and regulations applicable to conducting parole hearings, including the rights of victims, witnesses, and wards.~~

1 ~~(F) Factors influencing ward lengths of stay and ward recidivism~~
2 ~~rates and their relationship to one another.~~

3 ~~(b) (1)–~~

4 5075.6. (a) Commissioners and deputy commissioners hearing
5 matters concerning adults under the jurisdiction of the Department
6 of Corrections and Rehabilitation shall have a broad background
7 in criminal justice and an ability for appraisal of adult offenders,
8 the crimes for which those persons are committed, and the
9 evaluation of an individual's progress toward reformation. Insofar
10 as practicable, commissioners and deputy commissioners shall
11 have a varied interest in adult correction work, public safety, and
12 shall have experience or education in the fields of corrections,
13 sociology, law, law enforcement, medicine, mental health, or
14 education.

15 ~~(2)~~

16 (b) All commissioners and deputy commissioners who conduct
17 hearings for the purpose of considering the parole suitability of
18 inmates, the setting of a parole release date for inmates, or the
19 revocation of parole for adult parolees, shall, within 60 days of
20 appointment and annually thereafter undergo a minimum of 40
21 hours of training in the following areas:

22 ~~(A)~~

23 (1) Treatment and training programs provided to inmates at
24 Department of Corrections and Rehabilitation institutions,
25 including, but not limited to, educational, vocational, mental health,
26 medical, substance abuse, psychotherapeutic counseling, and sex
27 offender treatment programs.

28 ~~(B)~~

29 (2) Parole services.

30 ~~(C)~~

31 (3) Commissioner duties and responsibilities.

32 ~~(D)~~

33 (4) Knowledge of laws and regulations applicable to conducting
34 parole hearings, including the rights of victims, witnesses, and
35 inmates.

36 SEC. 26. Section 5076.1 of the Penal Code is amended to read:

37 5076.1. (a) The board shall meet at each of the state prisons
38 and facilities under the jurisdiction of ~~the Division of Juvenile~~
39 ~~Facilities.~~ *the Division of Adult Institutions.* Meetings shall be held
40 at whatever times may be necessary for a full and complete study

1 of the cases of all inmates ~~and wards~~ whose matters are considered.
2 Other times and places of meeting may also be designated by the
3 board. Each commissioner of the board shall receive his or her
4 actual necessary traveling expenses incurred in the performance
5 of his or her official duties. Where the board performs its functions
6 by meeting en banc in either public or executive sessions to decide
7 matters of general policy, at least seven members shall be present,
8 and no action shall be valid unless it is concurred in by a majority
9 vote of those present.

10 (b) The board may use deputy commissioners to whom it may
11 assign appropriate duties, including hearing cases and making
12 decisions. Those decisions shall be made in accordance with
13 policies approved by a majority of the total membership of the
14 board.

15 (c) The board may meet and transact business in panels. Each
16 panel shall consist of two or more persons, subject to subdivision
17 (d) of Section 3041. No action shall be valid unless concurred in
18 by a majority vote of the persons present. In the event of a tie vote,
19 the matter shall be referred to a randomly selected committee,
20 comprised of a majority of the commissioners specifically
21 appointed to hear adult parole matters and who are holding office
22 at the time.

23 ~~(d) When determining whether commissioners or deputy~~
24 ~~commissioners shall hear matters pursuant to subdivision (f) of~~
25 ~~Section 5075.1, or any other matter submitted to the board~~
26 ~~involving wards under the jurisdiction of the Division of Juvenile~~
27 ~~Facilities, the chair shall take into account the degree of complexity~~
28 ~~of the issues presented by the case. Any decision resulting in the~~
29 ~~extension of a parole consideration date shall entitle a ward to~~
30 ~~appeal the decision to a panel comprised of two or more~~
31 ~~commissioners, of which no more than one may be a deputy~~
32 ~~commissioner. The panel shall consider and act upon the appeal~~
33 ~~in accordance with rules established by the board.~~

34 (e)
35 (d) Consideration of parole release for persons sentenced to life
36 imprisonment pursuant to subdivision (b) of Section 1168 shall
37 be heard by a panel of two or more commissioners or deputy
38 commissioners, of which only one may be a deputy commissioner.
39 A recommendation for recall of a sentence under subdivisions (d)
40 and (e) of Section 1170 shall be made by a panel, a majority of

1 whose commissioners are commissioners of the Board of Parole
2 Hearings.

3 *SEC. 27. Section 6025.1 of the Penal Code is amended to read:*

4 6025.1. (a) Members of the board, with the exception of the
5 Chair of the Board of State and Community Corrections, shall
6 receive no compensation, but shall be reimbursed for their actual
7 and necessary travel expenses incurred in the performance of their
8 duties. For purposes of compensation, attendance at meetings of
9 the board shall be deemed performance by a member of the duties
10 of his or her state or local governmental employment. ~~For purposes~~
11 ~~of Section 1090 of the Government Code, members of a committee~~
12 ~~created by the board, including a member of the board in his or~~
13 ~~her capacity as a member of a committee created by the board,~~
14 ~~have no financial interest in any contract made by the board,~~
15 ~~including a grant or bond financing transaction, based upon the~~
16 ~~receipt of compensation for holding public office or public~~
17 ~~employment.~~

18 (b) *For the purposes of Section 1090 of the Government Code,*
19 *members of a committee created by the board pursuant to Section*
20 *6046.3 or a committee created with the primary purpose of*
21 *administering grant funding from the Edward Byrne Memorial*
22 *Justice Assistance Grant Program (42 U.S.C. Sec. 3751(a)),*
23 *including a member of the board in his or her capacity as a*
24 *member of a committee created by the board, have no financial*
25 *interest in any contract made by the board, including a grant or*
26 *bond financing transaction, based upon the receipt of compensation*
27 *for holding public office or public employment.*

28 (b)

29 (c) The Chair of the Board of State and Community Corrections
30 shall serve full time. The Department of Human Resources shall
31 fix the compensation of the Chair of the Board of State and
32 Community Corrections.

33 (d) *The amendments to this section by the act that added this*
34 *subdivision are effective for grant awards made by the board on*
35 *or after July 1, 2016.*

36 *SEC. 28. Section 6250.2 of the Penal Code is amended to read:*

37 6250.2. (a) The Secretary of the Department of Corrections
38 and Rehabilitation may enter into agreements for the transfer of
39 prisoners to, or placement of prisoners in, community correctional
40 centers. The secretary may enter into contracts to provide housing,

1 sustenance, and supervision for inmates placed in community
2 correctional centers.

3 (b) Notwithstanding any other law, for the purposes of entering
4 into agreements under subdivision (a), any process, regulation,
5 requirement, including any state government reviews or approvals,
6 or third-party approval that is required under, or implemented
7 pursuant to, any statute that relates to entering into those
8 agreements is hereby waived.

9 (c) This section shall remain in effect only until January 1, ~~2017~~,
10 2020, and as of that date is repealed, unless a later enacted statute,
11 that is enacted before January 1, ~~2017~~, 2020, deletes or extends
12 that date.

13 *SEC. 29. Section 6258.1 of the Penal Code is amended to read:*

14 6258.1. ~~No~~An inmate shall *not* be transferred to a community
15 correctional reentry facility unless all of the following conditions
16 are met:

17 (a) The inmate applies for a transfer to a community correctional
18 reentry facility.

19 (b) The inmate is not currently serving a sentence for conviction
20 of any offense described in subdivision (c) of Section 667.5.

21 (c) The inmate has less than ~~120 days~~ *one year* left to serve in
22 a correctional facility.

23 (d) The inmate has not been convicted previously of an escape
24 pursuant to Section 4532 of the Penal Code.

25 (e) The department determines that the inmate would benefit
26 from the transfer.

27 *SEC. 30. Section 6402 of the Penal Code is amended to read:*

28 6402. The Department of Corrections and Rehabilitation
29 (CDCR) shall develop policies related to the department's
30 contraband interdiction efforts for individuals entering CDCR
31 detention facilities. When developed, these policies shall include,
32 but not be limited to, the following specifications:

33 (a) Application to all individuals, including visitors, all
34 department staff, including executive staff, volunteers, and contract
35 employees.

36 (b) Use of methods to ensure that profiling is not practiced
37 during random searches or searches of all individuals entering the
38 prison at that time.

39 (c) Establishment of unpredictable, random search efforts and
40 methods that ensures that no one, except department employees

1 specifically designated to conduct the random search, shall have
2 advance notice of when a random search is scheduled.

3 (d) All visitors attempting to enter a CDCR detention facility
4 shall be informed that they may refuse to be searched by a passive
5 alert dog.

6 (e) All visitors attempting to enter a CDCR detention facility
7 who refuse to be searched by a passive alert dog shall be informed
8 of options, including, but not limited to, the availability of a
9 noncontact visit.

10 (f) All individuals attempting to enter a CDCR detention facility,
11 who have a positive alert for contraband by an electronic drug
12 detection device, a passive alert dog, or other technology, shall be
13 informed of further potential search or visitation options.

14 (g) Establishment of a method by which an individual may
15 demonstrate an authorized health-related use of a controlled
16 substance when a positive alert is noted by an electronic drug
17 detection device, a passive alert dog, or other technology.

18 (h) Establishment of specific requirements for additional search
19 options when multiple positive alerts occur on an individual
20 employee within a specified timeframe.

21 (i) In determining which additional search options to offer
22 visitors and staff, CDCR shall consider the use of full-body
23 scanners.

24 (j) ~~CDCR shall, within two years of implementation of the policy~~
25 ~~described in this section, shall conduct an evaluation of the policy.~~
26 *a policy described in this section and provide an interim report to*
27 *the Legislature by June 30, 2016, and a final report to the*
28 *Legislature on April 30, 2017.* This evaluation shall include, but
29 not be limited to, the impact of the policy on:

30 (1) The amount of contraband, including drugs and cellular
31 phones, found in the prisons where the policy was implemented.

32 (2) The number of staff assaults that occurred in the prisons
33 where the policy was implemented.

34 (3) The number of serious rules violation reports issued in
35 prisons where the policy was implemented, including any reduction
36 in offender violence.

37 (4) *The rates of drug use by inmates in the prisons where the*
38 *policy was implemented.*

1 (k) (1) *The requirement for submitting a report imposed under*
2 *subdivision (j) is inoperative on June 30, 2020, pursuant to Section*
3 *10231.5 of the Government Code.*

4 (2) *The reports to be submitted pursuant to subdivision (j) shall*
5 *be submitted in compliance with Section 9795 of the Government*
6 *Code.*

7 SEC. 31. *Section 6404 is added to the Penal Code, to read:*

8 6404. *Inmates shall not be prohibited from family visits based*
9 *solely on the fact that the inmate was sentenced to life without the*
10 *possibility of parole or was sentenced to life and is without a parole*
11 *date established by the Board of Parole Hearings.*

12 SEC. 32. *Section 11191 of the Penal Code, as amended by*
13 *Section 17 of Chapter 310 of the Statutes of 2013, is amended to*
14 *read:*

15 11191. (a) Any court or other agency or officer of this state
16 having power to commit or transfer an inmate, as defined in Article
17 II (d) of the Interstate Corrections Compact or of the Western
18 Interstate Corrections Compact, to any institution for confinement
19 may commit or transfer that inmate to any institution within or
20 without this state if this state has entered into a contract or contracts
21 for the confinement of inmates in that institution pursuant to Article
22 III of the Interstate Corrections Compact or of the Western
23 Interstate Corrections Compact.

24 (b) An inmate sentenced under California law shall not be
25 committed or transferred to an institution outside of this state,
26 unless he or she has executed a written consent to the transfer. The
27 inmate shall have the right to a private consultation with an attorney
28 of his choice, or with a public defender if the inmate cannot afford
29 counsel, concerning his rights and obligations under this section,
30 and shall be informed of those rights prior to executing the written
31 consent. At any time more than five years after the transfer, the
32 inmate shall be entitled to revoke his consent and to transfer to an
33 institution in this state. In such cases, the transfer shall occur within
34 the next 30 days.

35 (c) Notwithstanding the requirements in this section or Section
36 11194, the secretary may transfer an inmate to a facility in another
37 state without the consent of the inmate.

38 (d) Inmates who volunteer by submitting a request to transfer
39 and are otherwise eligible shall receive first priority under this
40 section.

1 (e) This section shall remain in effect only until January 1, ~~2017~~,
2 2020, and as of that date is repealed, unless a later enacted statute,
3 that is enacted before January 1, ~~2017~~, 2020, deletes or extends
4 that date.

5 *SEC. 33. Section 11191 of the Penal Code, as added by Section*
6 *18 of Chapter 310 of the Statutes of 2013, is amended to read:*

7 11191. (a) Any court or other agency or officer of this state
8 having power to commit or transfer an inmate, as defined in Article
9 II(d) of the Interstate Corrections Compact or of the Western
10 Interstate Corrections Compact, to any institution for confinement
11 may commit or transfer that inmate to any institution within or
12 outside of this state if this state has entered into a contract or
13 contracts for the confinement of inmates in that institution pursuant
14 to Article III of the Interstate Corrections Compact or of the
15 Western Interstate Corrections Compact.

16 (b) No inmate sentenced under California law may be committed
17 or transferred to an institution outside of this state, unless he or
18 she has executed a written consent to the transfer. The inmate shall
19 have the right to a private consultation with an attorney of his
20 choice, or with a public defender if the inmate cannot afford
21 counsel, concerning his rights and obligations under this section,
22 and shall be informed of those rights prior to executing the written
23 consent. At any time more than five years after the transfer, the
24 inmate shall be entitled to revoke his consent and to transfer to an
25 institution in this state. In such cases, the transfer shall occur within
26 the next 30 days.

27 (c) This section shall become operative on January 1, ~~2017~~.
28 2020.

29 *SEC. 34. Section 13501 of the Penal Code is amended to read:*

30 13501. The Governor shall designate the chair of the
31 commission from among the members of the commission. The
32 person designated as the chair shall serve at the pleasure of the
33 Governor. The commission shall annually select a ~~chairman and~~
34 ~~a vice chairman~~ vice chair from among its members. A majority
35 of the members of the commission shall constitute a quorum.

36 *SEC. 35. Section 13601 of the Penal Code is amended to read:*

37 13601. (a) (1) The CPOST shall develop, approve, and
38 monitor standards for the selection and training of state correctional
39 peace officer apprentices. ~~Any~~

(2) Any standard for selection established under this subdivision shall be subject to approval by the Department of Human Resources. Using the psychological and screening standards approved by the Department of Human Resources, the Department of Human Resources or the Department of Corrections and Rehabilitation shall ensure that, prior to training, each applicant who has otherwise qualified in all physical and other testing requirements to be a peace officer the Department of Corrections and Rehabilitation, is determined to be free from emotional or mental conditions that might adversely affect the exercise of his or her duties and powers as a peace officer pursuant to the standards developed by CPOST.

(3) *When developing, approving, and monitoring the standards for training of state correctional peace officer apprentices, the CPOST shall consider including additional training in the areas of mental health and rehabilitation, as well as coursework on the theory and history of corrections.*

(b) The CPOST may approve standards for a course in the carrying and use of firearms for correctional peace officers that is different from that prescribed pursuant to Section 832. The standards shall take into consideration the different circumstances presented within the institutional setting from that presented to other law enforcement agencies outside the correctional setting.

(c) Notwithstanding Section 3078 of the Labor Code, the length of the probationary period for correctional peace officer apprentices shall be determined by the CPOST subject to approval by the State Personnel Board, pursuant to Section 19170 of the Government Code.

(d) The CPOST shall develop, approve, and monitor standards for advanced rank-and-file and supervisory state correctional peace officer and training programs for the Department of Corrections and Rehabilitation. When a correctional peace officer is promoted within the department, he or she shall be provided with and be required to complete these secondary training experiences.

(e) The CPOST shall develop, approve, and monitor standards for the training of state correctional peace officers in the department in the handling of stress associated with their duties.

(f) Toward the accomplishment of the objectives of this section, the CPOST may confer with, and may avail itself of the assistance

1 and recommendations of, other state and local agencies, boards,
2 or commissions.

3 (g) Notwithstanding the authority of the CPOST, the department
4 shall design and deliver training programs, shall conduct validation
5 studies, and shall provide program support. The CPOST shall
6 monitor program compliance by the department.

7 (h) The CPOST may disapprove any training courses created
8 by the department pursuant to the standards developed by CPOST
9 if it determines that the courses do not meet the prescribed
10 standards. Training may continue with existing curriculum pending
11 resolution.

12 (i) The CPOST shall annually submit an estimate of costs to
13 conduct those inquiries and audits as may be necessary to determine
14 whether the department and each of its institutions and parole
15 regions are adhering to the standards developed by the CPOST,
16 and shall conduct those inquiries and audits consistent with the
17 annual Budget Act.

18 (j) The CPOST shall establish and implement procedures for
19 reviewing and issuing decisions concerning complaints or
20 recommendations from interested parties regarding the CPOST
21 rules, regulations, standards, or decisions.

22 ~~(k) This section shall become operative July 1, 2015.~~

23 *SEC. 36. Section 23690 of the Penal Code is amended to read:*

24 23690. (a) (1) The Department of Justice may require each
25 dealer to charge each firearm purchaser or transferee a fee not to
26 exceed one dollar (\$1) for each firearm ~~transaction~~. *transaction,*
27 *except that the Department of Justice may increase the fee at a*
28 *rate not to exceed any increase in the California Consumer Price*
29 *Index, as compiled and reported by the Department of Industrial*
30 *Relations, and not to exceed the reasonable cost of regulation to*
31 *the Department of Justice.*

32 (2) The fee shall be for the purpose of supporting department
33 program costs related to this act, including the establishment,
34 maintenance, and upgrading of related database systems and public
35 rosters.

36 (b) (1) There is hereby created within the General Fund the
37 Firearm Safety Account.

38 (2) Revenue from the fee imposed by subdivision (a) shall be
39 deposited into the Firearm Safety Account and shall be available

1 for expenditure by the Department of Justice upon appropriation
2 by the Legislature.

3 (3) Expenditures from the Firearm Safety Account shall be
4 limited to program expenditures as defined by subdivision (a).

5 *SEC. 37. Section 28300 of the Penal Code is amended to read:*

6 28300. (a) The Firearms Safety and Enforcement Special Fund
7 is hereby established in the State Treasury and shall be
8 administered by the Department of Justice.

9 ~~(b) Notwithstanding Section 13340 of the Government Code,~~
10 ~~all moneys in the fund are continuously appropriated to the~~
11 ~~Department of Justice, without regard to fiscal years, for the~~
12 ~~purpose of implementing and enforcing the provisions of Article~~
13 ~~2 (commencing with Section 31610) of Chapter 4 of Division 10,~~
14 ~~enforcing Section 830.95, Title 2 (commencing with Section~~
15 ~~12001) of Part 4, Sections 16000 to 16960, inclusive, Sections~~
16 ~~16970 to 17230, inclusive, Sections 17240 to 21390, inclusive,~~
17 ~~and Sections 21590 to 34370, inclusive, and for the establishment,~~
18 ~~maintenance, and upgrading of equipment and services necessary~~
19 ~~for firearms dealers to comply with Article 2 (commencing with~~
20 ~~Section 28150).~~

21 (e)

22 (b) The Department of Justice may require firearms dealers to
23 charge each person who obtains a firearm a fee not to exceed five
24 dollars (\$5) for each ~~transaction.~~ *transaction, except that the fee*
25 *may be increased at a rate not to exceed any increase in the*
26 *California Consumer Price Index as compiled and reported by the*
27 *Department of Industrial Relations, and not to exceed the*
28 *reasonable cost of regulation to the department.* Revenues from
29 this fee shall be deposited in the Firearms Safety and Enforcement
30 Special Fund.

31 (c) *Revenue deposited into the Firearms Safety and Enforcement*
32 *Special Fund shall be available for expenditure by the Department*
33 *of Justice upon appropriation by the Legislature for the purpose*
34 *of implementing and enforcing the provisions of Article 2*
35 *(commencing with Section 31610) of Chapter 4 of Division 10,*
36 *enforcing Section 830.95, Title 2 (commencing with Section 12001)*
37 *of Part 4, Sections 16000 to 16960, inclusive, Sections 16970 to*
38 *17230, inclusive, Sections 17240 to 21390, inclusive, and Sections*
39 *21590 to 34370, inclusive, and for the establishment, maintenance,*

1 *and upgrading of equipment and services necessary for firearms*
2 *dealers to comply with Article 2 (commencing with Section 28150).*
3 *SEC. 38. The heading of Article 2.5 (commencing with Section*
4 *1716) of Chapter 1 of Division 2.5 of the Welfare and Institutions*
5 *Code is amended to read:*

6
7 *Article 2.5. ~~Youthful Offender Parole Board~~ Board of Juvenile*
8 *Hearings*
9

10 *SEC. 39. Section 1716 of the Welfare and Institutions Code is*
11 *amended to read:*

12 *1716. Commencing July 1, 2005, 2016, any reference to the*
13 *Youth Authority Board refers to the Board of ~~Parole~~ Juvenile*
14 *Hearings. ~~As of that date, the Youth Authority Board is abolished.~~*

15 *SEC. 40. Section 1718 is added to the Welfare and Institutions*
16 *Code, to read:*

17 *1718. (a) The Governor shall appoint three commissioners,*
18 *subject to Senate confirmation, to the Board of Juvenile Hearings.*
19 *These commissioners shall be appointed and trained to hear only*
20 *juvenile matters. The term of appointment for each commissioner*
21 *shall be five years, and each term shall commence on the expiration*
22 *of the predecessor. Each commissioner currently serving on the*
23 *Board of Parole Hearings to hear only juvenile matters shall*
24 *continue to serve as a commissioner of the Board of Juvenile*
25 *Hearings until his or her current term expires. The Governor shall*
26 *stagger the remaining vacancies as follows: one commissioner*
27 *term to expire on July 1, 2018, and one commissioner term to*
28 *expire on July 1, 2019. Any appointment to a vacancy that occurs*
29 *for any reason other than expiration of the term shall be for the*
30 *remainder of the unexpired term. Commissioners are eligible for*
31 *reappointment. The selection of persons and their appointment by*
32 *the Governor and confirmation by the Senate shall reflect as nearly*
33 *as possible a cross section of the racial, sexual, economic, and*
34 *geographic features of the population of the state.*

35 *(b) The chair of the Board of Juvenile Hearings shall be*
36 *designated by the Governor periodically. The Governor may*
37 *appoint an executive officer of the board, subject to Senate*
38 *confirmation, who shall hold office at the pleasure of the Governor.*
39 *The executive officer shall be the administrative head of the board*
40 *and shall exercise all duties and functions necessary to ensure that*

1 *the responsibilities of the board are successfully discharged. The*
2 *director of the Division of Juvenile Facilities shall be the hiring*
3 *authority for all civil service positions of employment with the*
4 *board.*

5 *(c) Each commissioner shall participate in hearings, including*
6 *discharge consideration hearings, initial case reviews, and annual*
7 *reviews.*

8 *SEC. 41. Section 1719 of the Welfare and Institutions Code is*
9 *amended to read:*

10 1719. (a) The following powers and duties shall be exercised
11 and performed by the ~~Juvenile Parole Board~~: *Board of Juvenile*
12 *Hearings*: discharges of commitment, orders for discharge from
13 the jurisdiction of the Division of Juvenile Facilities to the
14 jurisdiction of the committing court, ~~and disciplinary appeals.~~
15 *initial case reviews, and annual reviews.*

16 (b) Any ward may appeal a decision by the ~~Juvenile Parole~~
17 *Board of Juvenile Hearings* to deny discharge to a panel comprised
18 of at least two commissioners.

19 (c) The following powers and duties shall be exercised and
20 performed by the Division of Juvenile Facilities: return of persons
21 to the court of commitment for redispotion by the court or a
22 reentry disposition, determination of offense category, setting of
23 discharge consideration dates, ~~conducting annual reviews,~~
24 *developing and updating individualized treatment program orders,*
25 *plans*, institution placements, furlough placements, return of
26 nonresident persons to the jurisdiction of the state of legal
27 residence, disciplinary decisionmaking, and referrals pursuant to
28 Section 1800.

29 (d) The department shall promulgate policies and regulations
30 implementing a departmentwide system of graduated sanctions
31 for addressing ward disciplinary matters. The disciplinary
32 decisionmaking system shall be employed as the disciplinary
33 system in facilities under the jurisdiction of the Division of Juvenile
34 Facilities, and shall provide a framework for handling disciplinary
35 matters in a manner that is consistent, timely, proportionate, and
36 ensures the due process rights of wards. The department shall
37 develop and implement a system of graduated sanctions that
38 distinguishes between minor, intermediate, and serious misconduct.
39 The department may not extend a ward's discharge consideration
40 date. The department also may promulgate regulations to establish

1 a process for granting wards who have successfully responded to
2 disciplinary sanctions a reduction of any time acquired for
3 disciplinary matters.

4 ~~(e) This section shall become operative on January 1, 2013.~~

5 SEC. 42. *Section 1720 of the Welfare and Institutions Code is*
6 *amended to read:*

7 1720. (a) The case of each ward shall be reviewed by the
8 ~~department~~ *Board of Juvenile Hearings* within 45 days of arrival
9 at the department, and at other times as is necessary to meet the
10 powers or duties of the board.

11 (b) ~~The Division of Juvenile Facilities~~ *Board of Juvenile*
12 *Hearings* shall periodically review the case of each ward for the
13 ~~purpose of determining whether existing orders and dispositions~~
14 ~~in individual cases should be modified or continued in force.~~ *ward.*
15 These reviews shall be made as frequently as the ~~department~~ *Board*
16 *of Juvenile Hearings* considers desirable and shall be made with
17 respect to each ward at intervals not exceeding one year.

18 (c) The ward shall be entitled to notice if his or her annual
19 review is delayed beyond one year after the previous annual review
20 hearing. The ward shall be informed of the reason for the delay
21 and of the date the review hearing is to be held.

22 (d) Failure of the ~~division~~ *board* to review the case of a ward
23 within 15 months of a previous review shall not of itself entitle
24 the ward to discharge from the control of the division but shall
25 entitle him or her to petition the superior court of the county from
26 which he or she was committed for an order of discharge, and the
27 court shall discharge him or her unless the court is satisfied as to
28 the need for further control.

29 (e) Reviews conducted by the ~~division~~ *board* pursuant to this
30 section shall be written and shall include, but not be limited to, the
31 following: verification of the treatment or program goals and orders
32 for the ward to ensure the ward is receiving treatment and
33 programming that is narrowly tailored to address the correctional
34 treatment needs of the ward and is being provided in a timely
35 manner that is designed to meet the ~~parole~~ *discharge* consideration
36 date set for the ward; an assessment of the ward's adjustment and
37 responsiveness to treatment, programming, and custody; a review
38 of the ward's disciplinary history and response to disciplinary
39 sanctions; ~~an updated individualized treatment plan for the ward~~
40 ~~that makes adjustments based on the review required by this~~

1 subdivision; an estimated timeframe for the ward's commencement
2 and completion of the treatment programs or services; and a review
3 of any additional information relevant to the ward's progress.

4 (f) The division shall provide copies of the reviews prepared
5 pursuant to this section to the court and the probation department
6 of the committing county.

7 *SEC. 43. Section 1721 is added to the Welfare and Institutions*
8 *Code, to read:*

9 *1721. (a) The Board of Juvenile Hearings shall meet at each*
10 *of the facilities under the jurisdiction of the Division of Juvenile*
11 *Facilities. Meetings shall be held at whatever times may be*
12 *necessary for a full and complete study of the cases of all wards*
13 *whose matters are considered. Other times and places of meeting*
14 *may also be designated by the board, including, but not limited*
15 *to, prisons or state facilities housing wards under the jurisdiction*
16 *of the Division of Juvenile Facilities. Each commissioner of the*
17 *board shall receive his or her actual necessary traveling expenses*
18 *incurred in the performance of his or her official duties. If the*
19 *board performs its functions by meeting en banc in either public*
20 *or executive sessions to decide matters of general policy, no action*
21 *shall be valid unless it is concurred in by a majority vote of those*
22 *present.*

23 *(b) The Board of Juvenile Hearings may utilize board*
24 *representatives to whom it may assign appropriate duties, including*
25 *hearing cases and making decisions. Those decisions shall be*
26 *made in accordance with policies approved by a majority of the*
27 *total membership of the board. When determining whether*
28 *commissioners or board representatives shall hear matters*
29 *pursuant to subdivision (a) of Section 1719, or any other matter*
30 *submitted to the board involving wards under the jurisdiction of*
31 *the Division of Juvenile Facilities, the chair shall take into account*
32 *the degree of complexity of the issues presented by the case.*

33 *(c) The board shall exercise the powers and duties specified in*
34 *subdivision (a) of Section 1719 in accordance with rules and*
35 *regulations adopted by the board. The board may conduct*
36 *discharge hearings in panels. Each panel shall consist of two or*
37 *more persons, at least one of whom shall be a commissioner. No*
38 *panel action shall be valid unless concurred in by a majority vote*
39 *of the persons present; in the event of a tie vote, the matter shall*
40 *be referred to and heard by the board en banc.*

1 *SEC. 44. Section 1722 is added to the Welfare and Institutions*
2 *Code, to read:*

3 1722. (a) Any rules and regulations, including any resolutions
4 and policy statements, promulgated by the Board of Juvenile
5 Hearings shall be promulgated and filed pursuant to Chapter 3.5
6 (commencing with Section 11340) of Part 1 of Division 3 of Title
7 2 of the Government Code, and shall, to the extent practical, be
8 stated in language that is easily understood by the general public.

9 (b) The Board of Juvenile Hearings shall maintain, publish,
10 and make available to the general public a compendium of its rules
11 and regulations, including any resolutions and policy statements,
12 promulgated pursuant to this section.

13 (c) Notwithstanding subdivisions (a) and (b), the chairperson
14 may specify an effective date that is any time more than 30 days
15 after the rule or regulation is filed with the Secretary of State.
16 However, no less than 20 days prior to that effective date, copies
17 of the rule or regulation shall be posted in conspicuous places
18 throughout each institution and shall be mailed to all persons or
19 organizations who request them.

20 *SEC. 45. Section 1723 of the Welfare and Institutions Code is*
21 *amended to read:*

22 1723. (a) ~~Every order granting or revoking parole or issuing~~
23 ~~final discharges to any person under the jurisdiction of the division~~
24 ~~shall be made.~~ The powers and duties of the board described in
25 subdivision (a) of Section 1719 shall be exercised and performed
26 by the board or its designee, as authorized by this article.

27 (b) All other powers conferred to the board concerning wards
28 under the jurisdiction of the division may be exercised through
29 subordinates or delegated to the division under rules established
30 by the board. Any person subjected to an order of those
31 subordinates or of the division pursuant to that delegation may
32 petition the board for review. The board may review those orders
33 under appropriate rules and regulations.

34 (c) All board designees shall be subject to the training required
35 pursuant to ~~Section 5075.6 of the Penal Code.~~ 1724.

36 *SEC. 46. Section 1724 is added to the Welfare and Institutions*
37 *Code, to read:*

38 1724. (a) Commissioners and board representatives hearing
39 matters pursuant to subdivision (a) of Section 1719 or any other
40 matter involving wards under the jurisdiction of the Division of

1 *Juvenile Facilities shall have a broad background in, and ability*
2 *to perform or understand, appraisal of youthful offenders and*
3 *delinquents, the circumstances of delinquency for which those*
4 *persons are committed, and the evaluation of an individual's*
5 *progress toward reformation. Insofar as practicable,*
6 *commissioners and board representatives selected to hear these*
7 *matters also shall have a varied and sympathetic interest in juvenile*
8 *justice and shall have experience or education in the fields of*
9 *juvenile justice, sociology, law, law enforcement, mental health,*
10 *medicine, drug treatment, or education.*

11 *(b) Within 60 days of appointment and annually thereafter,*
12 *commissioners and board representatives described in subdivision*
13 *(a) shall undergo a minimum of 40 hours of training in the*
14 *following areas:*

15 *(1) Adolescent brain development, the principles of cognitive*
16 *behavioral therapy, and evidence-based treatment and*
17 *recidivism-reduction models.*

18 *(2) Treatment and training programs provided to wards at the*
19 *Division of Juvenile Facilities, including, but not limited to,*
20 *educational, vocational, mental health, medical, substance abuse,*
21 *psychotherapeutic counseling, and sex offender treatment*
22 *programs.*

23 *(3) Current national research on effective interventions with*
24 *juvenile offenders and how they compare to division program and*
25 *treatment services.*

26 *(4) Commissioner duties and responsibilities.*

27 *(5) Knowledge of laws and regulations applicable to conducting*
28 *initial case reviews, annual reviews, and discharge hearings,*
29 *including the rights of victims, witnesses, and wards.*

30 *(6) Factors influencing ward lengths of stay and ward recidivism*
31 *rates and their relationship to one another.*

32 *SEC. 47. Section 1725 of the Welfare and Institutions Code is*
33 *amended to read:*

34 *1725. (a) Commencing July 1, 2005, 2016, the Board of Parole*
35 *Juvenile Hearings shall succeed, and shall exercise and perform*
36 *all powers and duties previously granted to, exercised by, and*
37 *imposed upon the Youthful Offender Parole Board and Youth*
38 *Authority Board, as authorized by this article. The Youthful*
39 *Offender Parole Board and Youth Authority Board are abolished.*

(b) Commencing January 1, 2007, all commissioners appointed and trained to hear juvenile parole matters, together with their duties prescribed by law as functions of the Board of Parole Hearings concerning wards under the jurisdiction of the Department of Corrections and Rehabilitation, are transferred to the Director of the Division of Juvenile Justice.

SEC. 48. Section 1728 is added to the Welfare and Institutions Code, to read:

1728. The Governor may remove any member of the Board of Juvenile Hearings for misconduct, incompetency, or neglect of duty after a full hearing by the Board of State and Community Corrections.

SEC. 49. Section 1766 of the Welfare and Institutions Code is amended to read:

1766. (a) Subject to Sections 733 and 1767.35, and subdivision (b) of this section, if a person has been committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, the ~~Juvenile Parole Board~~, *Board of Juvenile Hearings*, according to standardized review and appeal procedures established by the board in policy and regulation and subject to the powers and duties enumerated in subdivision (a) of Section 1719, may do any of the following:

(1) Set a date on which the ward shall be discharged from the jurisdiction of the Division of Juvenile Facilities and permitted his or her liberty under supervision of probation and subject to the jurisdiction of the committing court pursuant to subdivision (b).

(2) ~~Order his or her confinement under conditions the board believes best designed for the protection of the public pursuant to the purposes set forth in Section 1700, Deny discharge~~, except that a person committed to the division pursuant to Section 731 or 1731.5 ~~may~~ *shall* not be held in physical confinement for a total period of time in excess of the maximum periods of time set forth in Section 731.

(3) ~~Discharge him or her from any formal supervision when the board is satisfied that discharge is consistent with the protection of the public.~~

(b) The following provisions shall apply to any ward eligible for discharge from his or her commitment to the custody of the Department of Corrections and Rehabilitation, Division of Juvenile Facilities. Any order entered by the court pursuant to this

1 subdivision shall be consistent with evidence-based practices and
2 the interest of public safety.

3 (1) The county of commitment shall supervise the reentry of
4 any ward still subject to the court's jurisdiction and discharged
5 from the jurisdiction of the Division of Juvenile Facilities. The
6 conditions of the ward's supervision shall be established by the
7 court pursuant to the provisions of this section.

8 (2) Not less than 60 days prior to the scheduled discharge
9 consideration hearing of a ward described in this subdivision, the
10 division shall provide to the probation department and the court
11 of the committing county, and the ward's counsel, if known, the
12 most recent written review prepared pursuant to Section 1720,
13 along with notice of the discharge consideration hearing date.

14 (3) (A) Not less than 30 days prior to the scheduled discharge
15 consideration hearing, the division shall notify the ward of the date
16 and location of the discharge consideration hearing. A ward shall
17 have the right to contact his or her parent or guardian, if he or she
18 can reasonably be located, to inform the parent or guardian of the
19 date and location of the discharge consideration hearing. The
20 division shall also allow the ward to inform other persons identified
21 by the ward, if they can reasonably be located, and who are
22 considered by the division as likely to contribute to a ward's
23 preparation for the discharge consideration hearing or the ward's
24 postrelease success.

25 (B) This paragraph shall not apply if either of the following
26 conditions is met:

27 (i) A minor chooses not to contact his or her parents, guardians,
28 or other persons and the director of the division facility determines
29 it would be in the best interest of the minor not to contact the
30 parents, guardians, or other persons.

31 (ii) A person 18 years of age or older does not consent to the
32 contact.

33 (C) Upon intake of a ward committed to a division facility, and
34 again upon attaining 18 years of age while serving his or her
35 commitment in the custody of the division, an appropriate staff
36 person shall explain the provisions of subparagraphs (A) and (B),
37 using language clearly understandable to the ward.

38 (D) Nothing in this paragraph shall be construed to limit the
39 right of a ward to an attorney under any other law.

1 (4) Not less than 30 days prior to the scheduled discharge
2 consideration hearing of a ward described in this subdivision, the
3 probation department of the committing county may provide the
4 division with its written plan for the reentry supervision of the
5 ward. At the discharge consideration hearing, the ~~Juvenile Parole~~
6 *Board of Juvenile Hearings* shall, in determining whether the ward
7 is to be released, consider a reentry supervision plan submitted by
8 the county.

9 (5) If the ~~Juvenile Parole~~ *Board of Juvenile Hearings* determines
10 that a ward is ready for discharge to county supervision pursuant
11 to subdivision (a), the board shall set a date for discharge from the
12 jurisdiction of the Division of Juvenile Facilities no less than 14
13 days after the date of such determination. The board shall also
14 record any postrelease recommendations for the ward. These
15 recommendations will be sent to the committing court responsible
16 for setting the ward's conditions of supervision no later than seven
17 days from the date of such determination.

18 (6) No more than four days but no less than one day prior to the
19 scheduled date of the reentry disposition hearing before the
20 committing court, the Division of Juvenile Facilities shall transport
21 and deliver the ward to the custody of the probation department
22 of the committing county. On or prior to a ward's date of discharge
23 from the Division of Juvenile Facilities, the committing court shall
24 convene a reentry disposition hearing for the ward. The purpose
25 of the hearing shall be for the court to identify those conditions of
26 supervision that are appropriate under all the circumstances of the
27 case and consistent with evidence-based practices. The court shall,
28 to the extent it deems appropriate, incorporate postrelease
29 recommendations made by the board as well as any reentry plan
30 submitted by the county probation department and reviewed by
31 the board into its disposition order. At the hearing the ward shall
32 be fully informed of the terms and conditions of any order entered
33 by the court, including the consequences for any violation thereof.
34 The procedure of the reentry disposition hearing shall otherwise
35 be consistent with the rules, rights, and procedures applicable to
36 delinquency disposition hearings as described in Article 17
37 (commencing with Section 675) of Chapter 2 of Part 1 of Division
38 2.

39 (7) The Department of Corrections and Rehabilitation shall have
40 no further jurisdiction over a ward who is discharged by the board.

(8) Notwithstanding any other law or any other provision of this section, commencing January 1, 2013, all wards who remain on parole under the jurisdiction of the Division of Juvenile Facilities shall be discharged, except for wards who are in custody pending revocation proceedings or serving a term of revocation. A ward that is pending revocation proceedings or serving a term of revocation shall be discharged after serving his or her revocation term, including any revocation extensions, or when any allegations of violating the terms and conditions of his or her parole are not sustained.

(c) Within 60 days of intake, the Division of Juvenile Facilities shall provide the court and the probation department with a treatment plan for the ward.

(d) Commencing January 1, 2013, and annually thereafter, for the preceding fiscal year, the department shall collect and make available to the public the following information:

(1) The total number of ward case reviews conducted by the division and the board, categorized by guideline category.

(2) The number of discharge consideration dates for each category set at guideline, above guideline, and below guideline.

(3) The number of ward case reviews resulting in a change to a discharge consideration date, including the category assigned to the ward and the specific reason for the change.

(4) The percentage of wards who have had a discharge consideration date changed to a later date, the percentage of wards who have had a discharge consideration date changed to an earlier date, and the average annual time added or subtracted per case.

(5) The number and percentage of wards who, while confined or on parole, are charged with a new misdemeanor or felony criminal offense.

(6) Any additional data or information identified by the department as relevant.

(e) As used in subdivision (d), the term “ward case review” means any review of a ward that changes, maintains, or appreciably affects the programs, treatment, or placement of a ward.

~~(f) This section shall become operative on January 1, 2013.~~

SEC. 50. Section 1767.3 of the Welfare and Institutions Code is amended to read:

~~1767.3. (a) The Juvenile Parole Board may suspend, cancel, or revoke any parole and may order returned to custody, as~~

1 specified in Section 1767.35, any person under the jurisdiction of
2 the Division of Juvenile Parole Operations:

3 ~~(b) The written order of the Director of the Division of Juvenile~~
4 ~~Justice is a sufficient warrant for any peace officer to return to~~
5 ~~custody any person under the jurisdiction of the Division of~~
6 ~~Juvenile Parole Operations.~~

7 (e)

8 1767.3. (a) The written order of the Director of the Division
9 of Juvenile Justice is a sufficient warrant for any peace officer to
10 return to custody, pending further proceedings before the Juvenile
11 Parole Board, any person under the jurisdiction of the Division of
12 Juvenile Parole Operations, or for any peace officer to return to
13 custody any person who has escaped from the custody of the
14 Division of Juvenile Facilities or from any institution or facility
15 in which he or she has been placed by the division.

16 (d)

17 (b) All peace officers shall execute the orders in like manner as
18 a felony warrant.

19 SEC. 51. Section 5848.51 is added to the Welfare and
20 Institutions Code, to read:

21 5848.51. (a) The Legislature finds and declares all of the
22 following:

23 (1) Community alternatives should be expanded to reduce the
24 need for mental health and substance use disorder treatment in
25 jails and prisons.

26 (2) The number of people with serious mental illnesses
27 incarcerated in county jails and the state's prison system continues
28 to rise.

29 (3) A significant number of individuals with serious mental
30 illness have a co-occurring substance use disorder.

31 (4) The treatment and recovery of individuals with mental health
32 disorders and substance use disorders are important for all levels
33 of government, business, and the local community.

34 (b) Funds appropriated by the Legislature to the authority for
35 the purposes of this section shall be used to establish a competitive
36 grant program designed to promote diversion programs and
37 services by increasing and expanding mental health treatment
38 facilities, substance use disorder treatment facilities, and
39 trauma-centered service facilities, including facilities providing
40 services for sex trafficking victims, domestic violence victims, and

1 victims of other violent crimes, in local communities, through the
2 provision of infrastructure grants.

3 (c) Grant awards made by the authority shall be used to expand
4 local resources for facility acquisition or renovation, equipment
5 acquisition, and applicable program startup or expansion costs
6 to increase availability and capacity to diversion programs
7 described in paragraph (b).

8 (d) Funds appropriated by the Legislature to the authority for
9 the purposes of this section shall be made available to selected
10 counties, city or county, or counties acting jointly.

11 (e) The authority shall develop selection criteria to expand local
12 resources, including those described in subdivision (b), and
13 processes for awarding grants after consulting with representatives
14 and interested stakeholders from the mental health treatment
15 community, substance use disorder treatment community, and
16 trauma recovery center providers, including, but not limited to,
17 county behavioral health directors, service providers, consumer
18 organizations, and other appropriate interests, such as health care
19 providers, law enforcement, trial courts, and formerly incarcerated
20 individuals as determined by the authority. The authority shall
21 monitor that grants result in cost-effective expansion of the number
22 of community-based resources in regions and communities selected
23 for funding. The authority shall also take into account at least the
24 following criteria and factors when selecting recipients of grants
25 and determining the amount of grant awards:

26 (1) Description of need, including, at a minimum, a
27 comprehensive description of the project, community need,
28 population to be served, linkage with other public systems of health
29 and mental health care, linkage with local law enforcement, social
30 services, and related assistance, as applicable, and a description
31 of the request for funding.

32 (2) Ability to serve the target population, which includes
33 individuals eligible for Medi-Cal and individuals eligible for county
34 health and mental health services.

35 (3) Geographic areas or regions of the state to be eligible for
36 grant awards, which may include rural, suburban, and urban
37 areas, and may include use of the five regional designations utilized
38 by the County Behavioral Health Directors Association of
39 California.

1 (4) *Level of community engagement and commitment to project*
2 *completion.*

3 (5) *Financial support that, in addition to a grant that may be*
4 *awarded by the authority, will be sufficient to complete and operate*
5 *the project for which the grant from the authority is awarded.*

6 (6) *Ability to provide additional funding support to the project,*
7 *including public or private funding, federal tax credits and grants,*
8 *foundation support, and other collaborative efforts.*

9 (7) *Memorandum of understanding among project partners, if*
10 *applicable.*

11 (8) *Information regarding the legal status of the collaborating*
12 *partners, if applicable.*

13 (9) *Ability to measure key outcomes, including utilization of*
14 *services, health and mental health outcomes, and cost benefit of*
15 *the project.*

16 (f) *The authority shall determine maximum grant awards, which*
17 *shall take into consideration the number of projects awarded to*
18 *the grantee, as described in subdivision (c), and shall reflect*
19 *reasonable costs for the project and geographic region. The*
20 *authority may allocate a grant in increments contingent upon the*
21 *phases of a project.*

22 (g) *Funds awarded by the authority pursuant to this section*
23 *may be used to supplement, but not to supplant, existing financial*
24 *and resource commitments of the grantee or any other member of*
25 *a collaborative effort that has been awarded a grant.*

26 (h) *All projects that are awarded grants by the authority shall*
27 *be completed within a reasonable period of time, to be determined*
28 *by the authority. Funds shall not be released by the authority until*
29 *the applicant demonstrates project readiness to the authority's*
30 *satisfaction. If the authority determines that a grant recipient has*
31 *failed to complete the project under the terms specified in awarding*
32 *the grant, the authority may require remedies, including the return*
33 *of all or a portion of the grant.*

34 (i) *The authority may consult with a technical assistance entity,*
35 *as described in paragraph (5) of subdivision (a) of Section 4061,*
36 *for the purposes of implementing this section.*

37 (j) *The authority may adopt emergency regulations relating to*
38 *the grants for the capital capacity and program expansion projects*
39 *described in this section, including emergency regulations that*

1 *define eligible costs and determine minimum and maximum grant*
2 *amounts.*

3 *(k) (1) The authority shall provide reports to the fiscal and*
4 *policy committees of the Legislature on or before April 1, 2018,*
5 *and annually until April 1, 2020, on the progress of implementation*
6 *that include, but are not limited to, the following:*

7 *(A) A description of each project awarded funding.*

8 *(B) The amount of each grant issued.*

9 *(C) A description of other sources of funding for each project.*

10 *(D) The total amount of grants issued.*

11 *(E) A description of project operation and implementation,*
12 *including who is being served.*

13 *(2) The requirement for submitting a report imposed under this*
14 *subdivision is inoperative on April 1, 2024, pursuant to Section*
15 *10231.5 of the Government Code.*

16 *(l) A recipient of a grant provided pursuant to paragraph (b)*
17 *shall adhere to all applicable laws relating to scope of practice,*
18 *licensure, certification, staffing, and building codes.*

19 *SEC. 52. Section 7200.06 of the Welfare and Institutions Code*
20 *is amended to read:*

21 ~~7200.06. (a) Of the 1,362 licensed beds at Napa State Hospital,~~
22 ~~at least 20 percent of these beds shall be available in any given~~
23 ~~fiscal year for use by counties for contracted services. Of the~~
24 ~~remaining beds, in no case shall the population of patients whose~~
25 ~~placement has been required pursuant to the Penal Code exceed~~
26 ~~980.~~

27 ~~(b) After~~

28 ~~7200.06. (a) After construction of the perimeter security fence~~
29 ~~is completed at Napa State Hospital, no patient whose placement~~
30 ~~has been required pursuant to the Penal Code shall be placed~~
31 ~~outside the perimeter security fences, with the exception of~~
32 ~~placements in the general acute care and skilled nursing units. The~~
33 ~~State Department of State Hospitals shall ensure that appropriate~~
34 ~~security measures are in place for the general acute care and skilled~~
35 ~~nursing units.~~

36 ~~(e)~~

37 ~~(b) Any alteration to the security perimeter structure or policies~~
38 ~~shall be made in conjunction with representatives of the City of~~
39 ~~Napa, the County of Napa, and local law enforcement agencies.~~

1 *SEC. 53. This act is a bill providing for appropriations related*
2 *to the Budget Bill within the meaning of subdivision (e) of Section*
3 *12 of Article IV of the California Constitution, has been identified*
4 *as related to the budget in the Budget Bill, and shall take effect*
5 *immediately.*

6 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~
7 ~~changes relating to the 2016 Budget Act.~~